

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

BELCALIS MARLENIS ALMÁNZAR, )  
 )  
Plaintiff, )  
v. ) CIVIL ACTION  
 ) FILE NO. 1:19-CV-01301-WMR  
LATASHA TRANSRINA KEBE and )  
KEBE STUDIOS LLC, )  
 ) JURY TRIAL  
Defendants. )  
 ) VOLUME II OF X

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BEFORE THE HONORABLE WILLIAM M. RAY, II

TRANSCRIPT OF PROCEEDINGS

JANUARY 11, 2022  
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*Proceedings recorded by mechanical stenography  
and computer-aided transcript produced by*

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1 Tuesday Morning Session

2 January 11, 2022

3 11:23 a.m.

4 - - -

5 P R O C E E D I N G S

6 COURTROOM SECURITY OFFICER: All rise. United States  
7 District Court for the Northern District of Georgia, Atlanta  
8 Division, is now in session, the Honorable Judge William M.  
9 Ray II presiding.

10 THE COURT: Thank you, sir.

11 COURTROOM SECURITY OFFICER: Please be seated and  
12 come to order.

13 THE COURT: All right. Good morning. Sorry I'm a  
14 little bit late, but I hope y'all understand the  
15 circumstances. It wasn't that I wasn't up, and it's not like  
16 I had too much to drink last night because I didn't. And I  
17 was up early, but when it comes to Georgia winning a  
18 championship, that doesn't come around that often. So I was a  
19 little bit slow getting going, so I apologize for keeping you  
20 waiting.

21 I see that I've got a defendant's written exhibit  
22 list. Is there one for the plaintiffs as well?

23 MS. MATZ: Yes, your Honor. May I approach, your  
24 Honor?

25 THE COURT: Sure. When y'all need to give me things,

1 if you'll just give them to Ms. Lee. Because of logistics  
2 it's just easier. Did the plaintiff file a response last  
3 night to the motion filed by the defendants?

4 MS. MATZ: No, your Honor.

5 THE COURT: Okay. It was late. I know y'all were  
6 busy. So let's just for the record to reflect, this is the  
7 second day of the trial. It's going to be a shorter day  
8 today.

9 But, in any event, I read the plaintiff's motion last  
10 night during the first half when things weren't going so well  
11 for Georgia. So I did read it and I want to ask -- I  
12 certainly want to hear the defendant's -- the plaintiff's  
13 response to it. But, Ms. Izmaylova, so just -- I didn't go  
14 back and look at your motion in limine From earlier. You were  
15 wanting, as part of the motion, to keep out everything  
16 including the original letter sent by plaintiff?

17 MS. IZMAYLOVA: I'm sorry, your Honor?

18 THE COURT: You were wanting to keep out everything  
19 originally, including the letter sent by the plaintiff to the  
20 defendants --

21 MS. IZMAYLOVA: I can read it exactly how it was  
22 written if your Honor would like.

23 THE COURT: Well, if you could just sort of -- I  
24 mean, I don't need you to read it to me, but just, generally  
25 speaking, was your aim to keep out everything, the plaintiff's

1 letter to you, your response? When I say you, the pronoun  
2 you, I'm referring to the parties. But the defendant's  
3 response to that letter as well?

4 MS. IZMAYLOVA: As well as the -- the whole entire  
5 thread, the thread of that conversation. Like, it started  
6 with the plaintiff sending their retraction letter and then my  
7 client's response to that and then the plaintiff's attorney's  
8 response to my client. That was the -- that's what I meant by  
9 email correspondence between our client and plaintiff's  
10 counsel.

11 THE COURT: And originally did you argue that the  
12 reason was because it was a part of an offer in compromise?

13 MS. IZMAYLOVA: Correct. I said that the whole  
14 conversation should not be admitted because it was all kind of  
15 settlement negotiations.

16 THE COURT: Well, okay. Now, does the tort of  
17 defamation require as a presuit requirement that there be some  
18 demand for retraction?

19 MS. IZMAYLOVA: The only thing that I know in the  
20 statute is that if -- it matters as far as punitive damages  
21 are concerned if, you know, plaintiff is going to ask for  
22 punitive damages, they can use evidence of the fact that they  
23 sent a retraction request and whether or not that was, you  
24 know, followed or not followed.

25 THE COURT: So unless it's -- if that's true -- and

1 I'm not saying it's not. I'm just -- I don't have defamation  
2 suits every day, so I just want to make sure I understand the  
3 parameters. If a requirement for punitive damages being  
4 authorized is -- let me back up and say it this way, not a  
5 requirement. If a factor about whether or not punitive  
6 damages are authorized is whether or not the plaintiff asked  
7 for a retraction and didn't receive one and your contention  
8 then is that the offer or the demand for a retraction is an  
9 offer in compromise, then how would you ever get that into  
10 evidence?

11 MS. IZMAYLOVA: Your Honor, no, I meant like -- I'm  
12 not saying that -- we're not going to object to that for the  
13 purposes of the punitive damages. We would stipulate that she  
14 received the retraction -- a demand to retract it. What I'm  
15 saying is once that was sent, that's what started off the  
16 conversation about, you know, settlement negotiations. That's  
17 when the email started going back and forth. So we're not  
18 trying to keep it out so that the plaintiffs cannot present  
19 the fact that they sent the demand to retract. The letter in  
20 and of itself, we would stipulate that she received that, but  
21 that's what kicked off the settlement conversation.

22 THE COURT: The party doesn't have to stipulate to  
23 anything; right? I mean, like, for example, one side, if they  
24 don't want something coming in, can't pretermite the opposing  
25 party's introduction of evidence by simply saying that we

1 stipulate or we'll stipulate to that. Now, I'm not saying  
2 that it doesn't happen sometimes. I can give you a good  
3 example.

4 In a criminal case where there are -- the best  
5 example is it's illegal under federal law to possess a gun if  
6 you've been convicted of a felony, under federal law and under  
7 state law in most places too. And so the government has the  
8 obligation to prove prior convictions, and so typically what  
9 happens is that defendant and the government stipulate to the  
10 prior conviction so that the government doesn't introduce the  
11 conviction itself, which can be pretty aggravating if it's a  
12 very serious underlying conviction.

13 That is typically done, but there are due process  
14 issues there because of the unique nature that criminal law  
15 has and the fact that someone has been convicted of a crime,  
16 the prejudice that's inherent in that. I would think in the  
17 context of slander and libel or defamation generally, that it  
18 is pretty standard for demand letters for retractions to be  
19 introduced.

20 MS. IZMAYLOVA: Your Honor, here's the -- my  
21 preference is this. The only thing that was said or sent was  
22 that demand letter itself. That's not objectionable, and that  
23 would not be -- you know, that would be admissible. I'm not  
24 even -- the demand letter is not the issue in and of itself.  
25 I only mentioned it because that's what -- that's the reason



1 why the email communications began. So if they --

2 THE COURT: Wait a minute. Wait a minute. What part  
3 of it then of the chain if you're -- so are you saying you  
4 don't have a problem with the demand letter coming in?

5 MS. IZMAYLOVA: No.

6 THE COURT: Okay. What do you have a problem with?  
7 With your response coming in?

8 MS. IZMAYLOVA: My client's response -- basically the  
9 communications via email that she was having between herself  
10 and the plaintiff's attorney.

11 THE COURT: All right. Give me just a second. Okay.  
12 Jennifer, I'm looking on the drive. You said you put the --  
13 in the drive today?

14 COURTROOM DEPUTY: Uh-huh.

15 THE COURT: The renewed motion, what's the docket  
16 number?

17 MS. IZMAYLOVA: I didn't file it, your Honor, because  
18 it's confidential communication.

19 THE COURT: I'm looking in the wrong thing. Hold on  
20 a second.

21 COURTROOM DEPUTY: It's in the main folder.

22 THE COURT: You have a copy? Thank you. Thank you.  
23 I'm speaking to the defense counsel. Do you recognize that  
24 within what you've labeled as Defendant's Exhibit 3 to your  
25 motion for reconsideration, there are admissions made by the

1 defendant that are certainly relevant in this lawsuit about  
2 what she did and did not know about the things that she, the  
3 defendant, was publishing?

4 MS. IZMAYLOVA: I read the email, yes, sir.

5 THE COURT: So you don't think that's admissible?

6 MS. IZMAYLOVA: I don't think the whole communication  
7 is admissible because it is part of discussions about  
8 settlement negotiations.

9 THE COURT: Well, you're telling me that if someone  
10 makes a -- if we assume for a moment it's settlement  
11 negotiation -- and that's a pretty broad interpretation that  
12 the defendant applies to this letter -- but even so, that if  
13 within that if there's an admission made that goes to an  
14 element of the defense that has been charged, that that  
15 renders the admission inadmissible?

16 MS. IZMAYLOVA: Correct.

17 THE COURT: What's your law? What law do you have  
18 that would say that?

19 MS. IZMAYLOVA: I mean --

20 THE COURT: I guess I'm specifically saying that's  
21 your logic. I get that. But do you have any case law that  
22 would say that if in the course of negotiation, if we say  
23 that's what this is, that if someone makes a critical  
24 admission against interest about the facts that are relevant  
25 to the legal dispute, that the admission against interest

1 about those facts is inadmissible because it's a settlement  
2 discussion? I mean, if you don't have any cases, just say you  
3 don't.

4 MS. IZMAYLOVA: No, I mean, I don't. I'm trying to  
5 process what your Honor says to see if I can think of an  
6 argument that's legitimate to state that. But I was just more  
7 so saying in looking at Defendant's Exhibit 3 and 4 together,  
8 because it was both the communications from my client to them  
9 and them to my client, it's very clear that this was all talks  
10 during settlement negotiations. And so that was the motion to  
11 reconsider, to exclude the whole thread of the conversations.

12 THE COURT: All right. Anything else you'd like to  
13 say about your motion before I ask Ms. Matz to respond?

14 MS. IZMAYLOVA: I'm sorry?

15 THE COURT: Anything else you'd like to say about  
16 your motion before I ask Ms. Matz to respond?

17 MS. IZMAYLOVA: No. I would just ask the Court to  
18 consider the full communications because that was the whole  
19 point, was that all of the communication was not -- the first  
20 hearing, for some reason part of the response, the plaintiff's  
21 counsel's response, was not presented to the Court. So I just  
22 wanted the Court to view the communication as a whole and  
23 determine whether it was or was not, you know, communications  
24 about settlement because I think that it is.

25 THE COURT: All right. Thank you. Ms. Matz, your

1 response?

2 MS. MATZ: Yes. Thank you, your Honor. So the first  
3 thing is, just to take you back to the first pretrial  
4 conference, you actually looked at both the demand letter  
5 to -- the demand for retraction that was sent to defendant.  
6 It was not an offer of compromise. It's actually -- under  
7 Georgia law a plaintiff cannot even seek punitive damages.  
8 It's not a factor. They cannot even seek punitive damages  
9 unless they send a demand for retraction, and it is not taken  
10 down within seven days.

11 So the original demand letter was not an offer of  
12 compromise. Nowhere in that letter did it say if you take  
13 down the videos, we're good. There was no offer of  
14 compromise. It wasn't marked under Rule 408. It basically  
15 said under Georgia law we're giving you this notice that you  
16 need to take them down, and she responded. And when your  
17 Honor looked at these two communications last time, you ruled  
18 this isn't an offer of compromise. It's admissible. It's  
19 coming in. It touches a lot of different things, the  
20 allegations, et cetera.

21 I'd like to point out a couple of other things.  
22 Also, there is no new evidence here. All of these  
23 communications that we're talking about, Ms. Izmaylova saying  
24 there are more full versions of them, are actually on our  
25 exhibit list. They had them. They've had them for years.

1 They were produced in discovery in October of 2020 and they  
2 actually --

3 THE COURT: Hold on a second. So we've got to deal  
4 right here right now with the casual conversations that happen  
5 with defense counsel. Throughout this case most of these  
6 discussions have been by Zoom. But when the opposing counsel  
7 is making statements, and sometimes when defense counsel is  
8 making statements, sir, you always want to chime in, and you  
9 want to say things. That's not way the way it's going to  
10 work. There's a notepad on your desk, and if you want to  
11 communicate to your co-counsel, you write out a note to her.  
12 But I'm not going to tolerate you speaking when I'm trying to  
13 listen to someone else speak.

14 I understand there's a need to communicate, but  
15 writing is sufficient. And if when Ms. Matz is finished, if  
16 you want to consult with Ms. Izmaylova before she responds,  
17 fine. Just say I need a chance to confer. But this casual  
18 conversation that goes on between the two of you is not  
19 professional in a court of law when there's proceedings  
20 because it interrupts those proceedings. So let's just nip  
21 that in the bud, and let's not have that happen again. All  
22 right?

23 MR. SABBAK: Understood, your Honor. Yes, sir.

24 THE COURT: All right. Thank you, sir. Thank you,  
25 ma'am.

1 MS. MATZ: Thank you, your Honor. I'm sorry. I  
2 forgot where I was -- discovery. Thank you. I appreciate  
3 that. We produced all of this in this discovery, and I'd  
4 actually like to bring one other thing to the Court's  
5 attention that actually didn't come up at the last hearing.  
6 It kind of did. At the last hearing when they made their  
7 motion, the defense made their motion to preclude settlement  
8 communications, they did not attach or refer to any specific  
9 Bates numbers or exhibits.

10 And at the last conference when we were talking about  
11 this, I said to the Court, I presume this is what they're  
12 talking about, and I made an assumption. And I apparently  
13 made a bad assumption because last night I went back and  
14 checked the exhibit list and their objections to it. They  
15 didn't actually even raise this objection to either of the  
16 exhibits that your Honor is looking at. There was no  
17 settlement objection raised in the pretrial conference when  
18 all the objections were due.

19 So from our perspective, in addition to there being  
20 nothing new to actually reargue here because they had every  
21 opportunity -- this was their motion to exclude. They should  
22 have known what exhibits they were talking about. They had  
23 all of them. They had every opportunity to make this argument  
24 before, and they didn't. So, you know, there shouldn't be a  
25 reargument when there's truly nothing new, and the standard

1 for new evidence is that somebody did have it or with  
2 reasonable diligence they couldn't have discovered it, and  
3 they don't meet that standard.

4           Also, just to make this point, the motion is also  
5 late under the local rules. The local rules of this court say  
6 the motions for reconsideration are supposed to be filed  
7 within 28 days, and I believe that the last pretrial  
8 conference was maybe November 7th or November 8th. And I  
9 apologize I don't remember the exact date, your Honor. But,  
10 you know, from that perspective it's waived.

11           But I think those are all reasons that you wouldn't  
12 even have to consider this motion or entertain it, but at the  
13 end of the day, I don't think it actually qualifies as a  
14 settlement communication in the first place. The initial  
15 letter we sent was not a settlement offer, and her response  
16 also wasn't one.

17           THE COURT: So there's no question when the initial  
18 letter was sent, that the plaintiff was considering litigation  
19 as a means of enforcement, but it's also clear that it wasn't  
20 a settlement offer. In fact, if you look at the response that  
21 came from the plaintiff's counsel to the defendant's  
22 counsel -- excuse me -- to the defendant in response to the  
23 communication, to me the only proper way to interpret that is,  
24 okay, you withdraw or retract the statements that you've made  
25 and stop doing them -- because you're continuing to do them as

1 we speak -- and we can talk about a settlement. I mean,  
2 that's the way I interpret it.

3 And, you know, I'm not too hung up about the rules,  
4 the local rules, as it relates to timing because the issue  
5 about timing, and particularly about local rules, will not  
6 insulate me from being reversed by the Court of Appeals  
7 because our local rules are not their rules. And even if they  
8 are their rules, if a judge on the Court of Appeals or the  
9 majority of judges that hear this appeal decide that they  
10 think I was wrong and that it was a big deal that I was wrong,  
11 they may not care so much about whatever procedural impediment  
12 may have existed because they may think it's unfair.

13 And I'm not criticizing the Court of Appeals. I  
14 mean, I just think that how you look at an issue sometimes  
15 when you're an appellate judge depends on how -- depends on  
16 what you think is fair overall.

17 So, in any event, the timing issues doesn't really  
18 bother me, but I think particularly if Georgia law does  
19 require not as factor but as a condition, that a retraction  
20 demand had been sent, the fact that the plaintiffs sent the  
21 demand, the fact that the defendant responded to the demand  
22 when there was no lawsuit pending or other terms discussed and  
23 made critical admissions against interest, that's relevant,  
24 and that's coming in. And the defendant should know that.  
25 The defendant should have known that when she made the



1 statement that I don't know if these things are true or not.

2 I mean, that goes to whether or not that if we assume  
3 that they're not true, whether or not the defendants -- the  
4 plaintiff can pierce the malice prong of defamation against a  
5 public figure or semipublic figure, which is clearly in play  
6 here because I know the defendant is going to say that, well,  
7 it was reasonable for me to rely on what these people were  
8 telling me or what I was seeing on the internet. But there's  
9 a responsibility that goes along with that, and that's a duty  
10 to investigate and determine whether or not there's a basis or  
11 not. You just can't blindly say something that someone else  
12 says just because.

13 You can put this in the criminal context. In fact,  
14 it seems like everything can be put in the criminal context.  
15 But a judge who is issuing a warrant can't simply rely on the  
16 fact that the police or the FBI have a confidential informant  
17 without knowing whether or not the confidential informant has  
18 some credibility to them, is it someone that has assisted the  
19 government in the past and has proved successful in the  
20 statements that they've made.

21 And if not, then there's got to be some other  
22 independent indicia that would show that what the person is  
23 saying is true, which is why when a confidential informant  
24 gives information about drug dealing, the police often send in  
25 the confidential informant or someone else to make a buy to

1 determine whether or not what they have been told is true.  
2 And that establishes credibility.

3           So the defendants are going to have to show that when  
4 they rely on, at least arguably so, when they rely on  
5 statements made to them by people about what those people know  
6 about the plaintiff, that there is some reason that they can  
7 trust those statements. One thing I think we all know is  
8 that, as that one juror was saying yesterday, the internet is  
9 full of falsity, sometimes truth. But, you know, you've got  
10 to figure it out, whether it's true or not.

11           So the motion for reconsideration is denied. I think  
12 the letter sent by the plaintiff and response sent by the  
13 defendant are admissible for issues that are critical to this  
14 case.

15           All right. So I will just stick with the defendant  
16 since we started with the defendant. Is there any other  
17 issues we need to talk about before we start this morning?

18           MS. IZMAYLOVA: Yes. Your Honor, yes. I just want  
19 to address the fact that since that is coming in, even though  
20 we believe it was part of settlement negotiations, I don't --  
21 I wanted to meet pretrial and make sure that the plaintiff  
22 understands because they've made all these allegations  
23 yesterday about how we're going to introduce evidence that's  
24 violating the Court's order. But Ms. Kebe allowed to put in  
25 evidence of state of mind, of what was going on around the

1 time that she wrote that email and explain --

2 THE COURT: State of mind generally? I mean, I don't  
3 know. I mean, just because there's anything that she might  
4 know about anything doesn't come in. It's still got to be  
5 relevant so --

6 MS. IZMAYLOVA: Right. So it's hard to explain why  
7 she wrote that email, why she said what she said. She's able  
8 to introduce that evidence if they introduce evidence of  
9 that -- of her statements in that email.

10 THE COURT: Well, they're going to introduce evidence  
11 of that statement, sure. And so when she wrote that email,  
12 she wants to introduce what she was relying on to say I don't  
13 know if this stuff is true or not?

14 MS. IZMAYLOVA: No. She wants to introduce evidence  
15 as to why she even chose to respond to her attorneys in the  
16 first place while she was pro se.

17 THE COURT: You've got to give me -- I mean, if  
18 you're going to seek to introduce something that's not been  
19 permitted pursuant to previous rulings, you've got to give me  
20 more than that.

21 MS. IZMAYLOVA: For example, like the fact that she  
22 was being harassed and stalked and, you know, had to, you  
23 know, move. And now we have actual evidence that the person  
24 who was doing all that was in direct communication -- was  
25 hired by the plaintiff to do so --

1           THE COURT: She has no evidence period that anyone  
2 that may have been harassing her was associated with the  
3 plaintiff.

4           MS. IZMAYLOVA: No, no. The evidence that we do have  
5 for the one person -- I'm specifically speaking about Dennis  
6 Byron she --

7           THE COURT: You've got to enunciate a little more  
8 clearly because you've got a mask on, and it's hard to hear.

9           MS. IZMAYLOVA: I'm sorry.

10          THE COURT: And you and I both have accents, and  
11 they're not the same. So I know I need to do the same.

12          MS. IZMAYLOVA: I apologize. I'm not speaking about  
13 the, you know, random or like, you know, the Instagram users.  
14 I'm not speaking about that evidence at all. I'm speaking  
15 specifically about there's evidence that we have that a person  
16 named Dennis Byron was going to different states taking out  
17 protective orders against Ms. Kebe, trying to, you know, get  
18 her arrested, like doing all these things right around this  
19 time. Then we also have evidence that he was hired by the  
20 plaintiff, and on the same dates they were communicating back  
21 and forth about him doing these things.

22          THE COURT: You're using pronouns. They were  
23 communicating --

24          MS. IZMAYLOVA: The plaintiff and Mr. Byron.

25          THE COURT: That the plaintiff and Dennis Byron were

1 communicating generally about your client?

2 MS. IZMAYLOVA: He was retained by the plaintiff --  
3 Dennis Byron was retained by the plaintiff specifically to,  
4 quote unquote, help with the investigation for the case.

5 THE COURT: Okay.

6 MS. IZMAYLOVA: And so he would report to the  
7 plaintiff directly things that -- you know, like they would  
8 come up with plans or schemes of what, you know, what to do  
9 next to basically harass her, to intimidate Ms. Kebe.

10 THE COURT: Okay. So the problem when you argue, is  
11 you inject a lot of speculation in your lawyer argument into  
12 what are the facts. You don't know what scheming, in quotes,  
13 the plaintiff did with Dennis Byron. That's just your  
14 characterization about the communications you know about. So  
15 let's just talk specifically about the communications you know  
16 about. So summarize for me those communications.

17 MS. IZMAYLOVA: They were via text messages and we  
18 received -- I don't know if your Honor recalls. You had  
19 received an in camera -- a lot of messages that your Honor had  
20 reviewed, and from those I did include several -- not the  
21 whole production but several depositions that I believe are  
22 the most relevant around the same dates and time.

23 THE COURT: Just kind of get to the point. What  
24 specifically are you talking about? And what was the date of  
25 those things in reference to this letter?

1 MS. IZMAYLOVA: So --

2 THE COURT: Well, let's back up. None of those  
3 communications between the plaintiff and Byron -- what's his  
4 name again?

5 MS. IZMAYLOVA: Dennis Byron.

6 THE COURT: Dennis Byron was known to your client at  
7 the time; right?

8 MS. IZMAYLOVA: She did not know --

9 THE COURT: Okay. All right. So those are out the  
10 window right there because they couldn't have formed any basis  
11 of the reason she sent this letter. That's her trying to  
12 prove that there is some relationship. So what would she have  
13 known about at the time she sent this letter?

14 MS. IZMAYLOVA: What she knew about was that Dennis  
15 Byron was --

16 THE COURT: Doing things.

17 MS. IZMAYLOVA: -- doing things to her.

18 THE COURT: Okay. Without going into more discussion  
19 about what Dennis Byron was doing, how did she know at that  
20 time that Dennis Byron was associated with the plaintiff?

21 MS. IZMAYLOVA: She didn't have any, you know, solid  
22 proof or evidence, but she figured that he was because the  
23 plaintiff is associated with a lot of people. She was in --  
24 she's in a gang. She's a gang member. So that was the state  
25 of mind that my client had at the time that she was receiving

1 these communications from Mr. Byron. In addition to that,  
2 Dennis Byron did post -- made a Facebook post at some point in  
3 time way before we found out about the text messages that, oh,  
4 Cardi B called my daughter to say happy birthday so there  
5 was --

6 THE COURT: Cardi B called my daughter to say happy  
7 birthday.

8 MS. IZMAYLOVA: Right.

9 THE COURT: So are you telling me that your client  
10 will testify that at the time she sent this letter, that she  
11 had seen some kind of post that Dennis Byron had said Cardi B  
12 called to wish my --

13 MS. IZMAYLOVA: I'm not sure of the day of the post.  
14 What I'm saying is like there was a lot of different other  
15 people that was also harassing Ms. Kebe. As you remember,  
16 Judge, we've already, I think, discussed it before. But it  
17 started at the end of 2018 and went through to about the  
18 middle of 2019. This email was sent in March of 2019, so it  
19 was in the midst of all of those communications.

20 THE COURT: So she would explain that while I sent  
21 this letter where I acknowledge I don't know what's true and  
22 what's not true -- because I was generally being harassed by  
23 people that I thought were sympathetic to the plaintiff, that  
24 were fans or otherwise -- so I was scared of the plaintiff,  
25 and so I sent this response. So that's one thing she would

1 say. What else would she say?

2 MS. IZMAYLOVA: Your Honor, not only -- she was  
3 scared enough to break her lease at one home to move to a  
4 completely different address. So it wasn't just that --

5 THE COURT: When did she break her lease?

6 MS. IZMAYLOVA: She broke her lease at the end of  
7 2018. She moved into her new home February 2019 --

8 THE COURT: Hold on. Hold on. Hold on. That's what  
9 she did. That's not what she knew. That's all I'm focused  
10 on, what she knew. She knew that she had generally been  
11 harassed by people online that she felt were sympathetic to  
12 the plaintiff and that they might be controlled by the  
13 plaintiff. That's one thing she knew. And she doesn't know  
14 whether these people had any relationship to the plaintiff or  
15 not, but that's what she would say she thought. And what  
16 else? What else?

17 MS. IZMAYLOVA: I'm sorry, your Honor. May I have a  
18 second to confer?

19 THE COURT: Sure.

20 MS. IZMAYLOVA: Thank you.

21 (Brief Pause.)

22 THE COURT: I'm sorry. His name is Byron Nelson  
23 again?

24 MS. IZMAYLOVA: I'm sorry?

25 MR. SABBAK: Dennis Byron.



1           THE COURT: And the reason I'm questioning that in my  
2 mind is that sounds like a former pro golfer, Byron Nelson.  
3 All right. So she knew what was happening social media wise  
4 directed towards her.

5           MS. IZMAYLOVA: Yes, your Honor.

6           THE COURT: That's one thing she knew was happening  
7 to her. Whether or not she could say who was doing it or not  
8 is highly questionable. And then what else?

9           MS. IZMAYLOVA: I mean, I guess obviously she made  
10 specific, you know, moves or specific --

11          THE COURT: That's what your client did. I'm not  
12 interested in what your client did. I'm interested in what  
13 she knew that would have formed the opinion in this letter.  
14 So she knew this general harassment was occurring to her by  
15 online people.

16          MS. IZMAYLOVA: Right.

17          THE COURT: And then what else did she know?

18          MS. IZMAYLOVA: She knew that the plaintiff was a  
19 gang member and --

20          THE COURT: So she --

21          MS. IZMAYLOVA: -- from the plaintiff's own  
22 admissions.

23          THE COURT: She doesn't know that the plaintiff is a  
24 gang member. That's an issue that's in dispute. But she  
25 thought that the plaintiff was a gang member based on things

1 that she had seen or heard.

2 MS. IZMAYLOVA: Your Honor, there was a GQ article  
3 write-up where the plaintiff gave direct quotes about being a  
4 gang member. So it wasn't like it was a --

5 THE COURT: That's probably coming in I get, and  
6 so -- but, I mean, you can't say that it's a fact. There's  
7 been no -- wait a minute. Let's just say this. I do have the  
8 right to interrupt, but you don't.

9 MS. IZMAYLOVA: My apologies, your Honor.

10 THE COURT: I'm sorry. That's just the way it is in  
11 court. What she says she knew is often based on her  
12 speculation and what she wants maybe it to be, but that  
13 doesn't make it fact. It doesn't mean it's not fact. But,  
14 obviously, if the plaintiff was a gang member or is a gang  
15 member and your client can prove that, that might prove some  
16 defense to some of the things that she said. But let's use it  
17 in the most basic form. She knew she had been harassed by  
18 people online that she associated to be with the plaintiff for  
19 whatever reason. She had read or seen or heard or thought  
20 that the plaintiff was in a gang. And what else?

21 MS. IZMAYLOVA: Correct. She knew that there was a  
22 person -- some person who was posing as an investigator coming  
23 to try to, you know, interview her neighbors, which is one of  
24 the reasons why she moved. That person was Dennis Byron.

25 THE COURT: Okay. She would testify that it was --

1 how does she know that that person was doing that?

2 MS. IZMAYLOVA: The neighbor. One of the neighbors  
3 told her.

4 THE COURT: Okay.

5 MS. IZMAYLOVA: And he was asking questions about her  
6 daughter, her family.

7 THE COURT: Are you calling the neighbors to testify  
8 in this case? I guess not.

9 MS. IZMAYLOVA: No, your Honor.

10 THE COURT: Okay. So it's hearsay as to whether or  
11 not somebody was actually investigating but it's probably  
12 admissible not for the truth of the matter asserted but to  
13 form a basis for what was in her mind --

14 MS. IZMAYLOVA: That's exactly what I'm talking  
15 about.

16 THE COURT: And what else?

17 MS. IZMAYLOVA: What she will be testifying generally  
18 is that, you know, she was -- she herself was pregnant, so she  
19 was dealing with that at the same --

20 THE COURT: That wouldn't have anything to do with  
21 whether the plaintiff was doing anything to her, but she would  
22 say I was under a lot of stress because --

23 MS. IZMAYLOVA: A lot of stress. She had a high-risk  
24 pregnancy.

25 THE COURT: Worried about the pregnancy and how this

1 was all going to affect that. Okay. What else?

2 MS. IZMAYLOVA: I mean, really it was just these  
3 things I just wanted to make sure because previously --  
4 especially the plaintiff's, you know, potential gang  
5 affiliations, what have been ruled out. So I just wanted to,  
6 you know, re-bring that up because that is -- those were  
7 things that my client did consider. Whether true or not, like  
8 your Honor said, she had good reason to believe these things,  
9 and that explains her state of mind when she wrote the email.  
10 And that's kind of what -- all I was trying to say to you was  
11 that those things should be admissible now to -- for her to  
12 explain her state of mind.

13 THE COURT: Well, let me just say this: It's  
14 questionable whether she had a good faith reason to believe  
15 any of those things, and that's an issue that is obviously  
16 squarely in this lawsuit because if she said things that  
17 aren't true, then you're going to be able to introduce  
18 evidence to demonstrate why she would believe those things.

19 What the Court has ruled previously is, in granting  
20 the plaintiff's motion for summary judgment against the  
21 defendant's counterclaim, was that your client had no  
22 admissible proof that could tie the things that she, the  
23 defendant, complained about and said was the plaintiff's  
24 responsibility, could not tie those to the plaintiff. It was  
25 speculation. It was based on hearsay and supposition. So, in

1 any event, I understand your argument.

2 Anything else you want to say? Then I'll go back to  
3 Ms. Matz and see what Ms. Matz has to say about it.

4 MS. IZMAYLOVA: The only other thing is there's also  
5 evidence -- we did submit, you know, evidence of what she  
6 believed the plaintiff's affiliation. I know that there's  
7 several tweets from the plaintiff herself admitting that she's  
8 in a gang as well. So those are all the types of, you know,  
9 information that my client relied on to make that conclusion  
10 that the plaintiff is in a gang.

11 THE COURT: Ms. Matz.

12 MS. MATZ: So, your Honor, honestly, I'm really  
13 surprised right now. This feels like a very prejudicial back  
14 door attempt to reargue basically the entirety of our motion  
15 in limine which your Honor granted. You specifically ruled  
16 that all mention of gang related activity was far too  
17 prejudicial because it's actually not in this case. None of  
18 the statements at issue relate to any type of violence or  
19 anything else about my client. We went through this at length  
20 at the pretrial conference.

21 THE COURT: Look. Let me just start here. It would  
22 seem that if you want -- and you do -- if you want to get in  
23 the letter where she says I don't know if these things are  
24 true and I'll withdraw them, it would seem that they've made a  
25 credible argument that, okay, maybe I did say those things.

1 It wasn't really true -- I'm not talking about the allegations  
2 that plaintiff sued about -- but maybe I did agree that I  
3 didn't know if these things were true. But I was scared, and  
4 this is why I was scared and this is why I would say what I  
5 said when what I said wasn't true in the letter itself.

6 I mean, that -- you're asking me to prevent her from  
7 explaining why she said what she said. In my mind it's  
8 inviting me to commit reversible error because you're always  
9 able to explain and -- if that's her explanation. And,  
10 honestly, I don't think it makes a lot of sense because there  
11 is no credible evidence to back up her claim.

12 But if she says that's what I relied on, that's what  
13 she, I guess, relied on, and then the jury has to make a  
14 decision whether they believe it or not. I mean, you know,  
15 let's don't rely on rulings and things like that. Let's deal  
16 with the argument she's making. The argument she's making is  
17 that's why I said what I said. And how do I cut her off from  
18 her explanation?

19 MS. MATZ: Sure. It's not a defense to defamation.  
20 It's simply not. Saying I sent something --

21 THE COURT: You're relying on she's admitted that she  
22 didn't know if they were true. Okay. You're relying on that  
23 statement. Otherwise, how about this. You can just stop at  
24 your letter. If you just stop at your letter, you made a  
25 demand for a retraction, you didn't get a retraction -- I

1 mean, I think everybody agrees that never happened. In fact,  
2 the defamation, according to the plaintiff, continues to this  
3 day. So you could stop at that letter and say we demanded a  
4 retraction. Jury, here it is. So now we can sue for punitive  
5 damages. But you want to go further, and you want to get her  
6 admission. Okay. You're entitled to it, but she's also  
7 entitled to explain why she made the admission. The jury  
8 would have to decide whether they believe that or not.

9 But it seems to me that if you want to get that part  
10 in that, hey, here's the admission against interest, then  
11 she's entitled to explain it. I can't cut her off at the  
12 knees from explaining it.

13 MS. MATZ: So I disagree with that for a couple of  
14 reasons, respectfully, one of which is that the prejudice of  
15 allowing some of this in -- if she wants to say Dennis Byron  
16 was coming around my house, maybe we could talk about the  
17 prejudice of that, but we haven't had that conversation  
18 because your Honor did rule on this. And I just want to say  
19 that I think that those things should be considered to the  
20 extent you're considering rereviewing your ruling because we  
21 did prepare in reliance upon it.

22 However, any mention of gang activity -- and we  
23 talked about this at length about the *Jernigan* case. Any  
24 mention of gang activity in this case is so highly  
25 prejudicial, and it is absolutely speculative.

1 THE COURT: You're in control. You can withdraw  
2 trying to seek admission of that letter, and there will be no  
3 mention of it. It would not be relevant then. So the  
4 plaintiff is in control. If you're willing not to admit the  
5 letter where she makes the admission, then there will be no  
6 mention of any of those things.

7 MS. MATZ: Okay. I mean, honestly, I just want to  
8 put on the record that we are objecting. I don't think that  
9 being scared is a defense to making admissions.

10 THE COURT: It's an explanation.

11 MS. MATZ: At the same time --

12 THE COURT: So look, Ms. Matz, here's the bottom  
13 line, is I'm not going to get reversed on this. If you want  
14 to admit the letter, then you're opening the door for her to  
15 explain why she said what she said. If you don't admit that  
16 letter, you only admit your letter where you demand a  
17 retraction and then you ask her did she ever -- I mean, the  
18 facts are going to prove she never retracted it.

19 MS. MATZ: Yes.

20 THE COURT: Then you've proved your case as it  
21 relates to punitive damages. If you want to admit her letter,  
22 her email response where she makes certain admissions, then  
23 you cannot prevent her from explaining what was in her mind.  
24 The stuff that happened after the letter, yeah, I agree that  
25 can't be a part of it. But the stuff that she knew and she



1 could say that she was aware of at the time that formed the  
2 basis of her opinion is going to be admissible for that. So  
3 the key is it's your decision, not mine.

4 MS. MATZ: I hear you. If you'd just permit me to  
5 put one more objection on the record only to preserve it for  
6 appeal --

7 THE COURT: Sure.

8 MS. MATZ: -- and that is that I do feel that this is  
9 really prejudicial. This wasn't raised in any of their  
10 written papers. This was clearly their plan. I did say to  
11 your Honor yesterday that they're clearly trying to get in all  
12 of this Dennis Byron evidence. They served written papers  
13 last night that made absolutely no mention of this and then  
14 orally requested that you reconsider all of your rulings on  
15 the bench without giving us any opportunity to prepare written  
16 submissions or even know that this argument was coming. None  
17 of these arguments were made last time and --

18 THE COURT: Okay. So how much more time do you need  
19 to consider to argue against this motion?

20 MS. MATZ: I'm not sure it's going to change your  
21 Honor's mind. I'm just putting it on the record that --

22 THE COURT: Not that. I'm just saying if you say  
23 you're not prepared, what would you have to prepare for? You  
24 would have to prepare to defend against things that they can't  
25 prove. So what is there to prepare for? To ask your client

1 when she testifies -- and I presume she's going to testify  
2 either on direct or she's going to be called for  
3 cross-examination by the defendant to say these things aren't  
4 true. I mean, in fact, we're not really even going to prove  
5 those things. She's able to testify what was in her mind.

6 I mean, there's going to be evidence, I guess, that  
7 is really uncontroverted about what your client may have said  
8 in the past. I mean, there's going to be some videos at the  
9 very least where she's discussed some of these things, some of  
10 the videos that we've actually seen. I mean, you say it's --  
11 it's not prejudicial just because it hurts your case. So it's  
12 got to be something more than that. Is there something else  
13 that you need to do to get prepared for this trial and to deal  
14 with that allegation about what she says she relied on when  
15 she made the statement that you want admissible?

16 MS. MATZ: So I haven't had a chance to review any of  
17 the dates that they're talking about, and to the extent your  
18 Honor is taking that into consideration, yes, I do think that  
19 we have been a bit prejudiced because we didn't know this  
20 argument was coming.

21 I also think that to the extent that there is also a  
22 very clear analysis to be done here of the prejudice of  
23 specific gang-related activity outweighing the probative value  
24 versus general harassment and saying I was scared and  
25 stressed, especially when the gang-related activity is

1 speculative and this isn't something that -- this was all  
2 ruled out on the motion for summary judgment, and this is why  
3 we made the motion --

4 THE COURT: Summary judgment doesn't limit evidence  
5 at trial. It just simply rules on claims. And, yes, I said  
6 that there was no basis for them to have a counterclaim.

7 MS. MATZ: Your Honor, I understand that, but we  
8 moved to exclude all of the evidence related to their  
9 counterclaims at the last motion in limine hearing, and these  
10 were all specifically part of what we ruled -- of what we  
11 asked to exclude. And your Honor agreed. As a separate  
12 motion in limine, we moved to exclude any mention of  
13 gang-related activity, and your Honor agreed. And they said  
14 at the last hearing this was not a defense, and we also had  
15 this conversation about the settlement email. This was not  
16 something that was ever raised as in it's opening the door on  
17 argument.

18 And part of the issue is that they said we might  
19 still use some of the evidence related to the counterclaims to  
20 prove our defenses. This is not related to a defense that  
21 they have asserted in this case, and the entire purpose of  
22 forcing parties to plead every affirmative defense that they  
23 have and do this ahead of time is that so no one is surprised  
24 at trial.

25 THE COURT: Well, there is no surprise to the

1 plaintiff that this is what the plaintiff -- that this is what  
2 the defendant has said. I mean, this isn't something new.  
3 Whether or not it would be admissible, that's, you know, in  
4 all fairness to the plaintiff, perhaps a new thing. But the  
5 plaintiff says that these allegations aren't true. The  
6 defendant has no proof that they're true. The defendant says  
7 it was what she had read and heard, was in her mind about how  
8 she was afraid, so that's why she said what she said.

9 I can't see anything that the plaintiff could do to  
10 prepare to disprove what was in the defendant's mind when the  
11 plaintiff says these things aren't true, so I fail to see how  
12 there's been prejudice to the plaintiff other than you don't  
13 want it to be mentioned. Then I come back to the fact that it  
14 doesn't have to be mentioned if you don't admit her letter in  
15 response, which is not needed for you to set forth your claim  
16 on punitive damages and to qualify for the jury to decide to  
17 award them to you. It is only helpful to your claim because  
18 there are admissions in there that you want from the defendant  
19 about what she knew and didn't know about the allegations she  
20 had against the plaintiff.

21 So I respect that the plaintiff wants to use that. I  
22 would want to use that if I was in the plaintiff's shoes, but  
23 it comes with certain warts. And this is one of the warts, is  
24 that it gives and opens the door for the defendant to explain  
25 what was in her mind at the time. She doesn't have any proof

1 that the things that were in her mind are, in fact, true, but  
2 it still goes -- she's still entitled to give an explanation.

3           So I'm going to let her do that. I'm not going to  
4 let her talk about things that post date the letter. I'm not  
5 going to let her or her counsel argue that those things are  
6 true or proven just because she thought about them. But she's  
7 going to be entitled to give an explanation for the statement,  
8 and the plaintiff is in control about whether she gets to give  
9 that explanation as to whether or not you admit the letter,  
10 and I'll leave it up to you to decide.

11           So let's move on to another issue. Ms. Izmaylova,  
12 anything else from the defendant?

13           MS. IZMAYLOVA: If I could have one moment, your  
14 Honor? No, your Honor. I think that --

15           THE COURT: And I also need to remind everybody the  
16 federal rules are rules of inclusion, not exclusion, and it is  
17 relevant to her thinking at the time. All right. Anything  
18 else from the plaintiff about any other issue? I'm not going  
19 to talk about this anymore.

20           MS. MATZ: The only other thing we just wanted to  
21 raise now is that at some point when the trial starts,  
22 Mr. Kebe should be excluded from the courtroom. He is on our  
23 witness list.

24           THE COURT: So let's talk about that. Is the  
25 plaintiff right about that?

1 MS. IZMAYLOVA: Your Honor, Mr. Kebe is one of the  
2 two named direct -- two shareholders of Kebe Studios LLC,  
3 which is a defendant in this case.

4 THE COURT: Well, just because he's one of the two  
5 doesn't mean he gets to be in here. There's another way to  
6 argue it. Do you want to try that?

7 MS. IZMAYLOVA: He's her husband. I don't know --

8 MR. SABBAK: He's her husband.

9 THE COURT: I'm sorry?

10 MR. SABBAK: Her husband.

11 THE COURT: Well, the husband thing doesn't work  
12 either. Husbands don't get to be in, unfortunately.

13 MS. IZMAYLOVA: I don't know of any other --

14 THE COURT: Who's your representative for your LLC?

15 MS. IZMAYLOVA: Mr. Kebe.

16 THE COURT: He can be in here for that purpose.  
17 That's what I was assuming all along, that he was in here  
18 because he was the representative of the LLC. It doesn't have  
19 to be the same person.

20 MS. IZMAYLOVA: Yes, sir.

21 THE COURT: As the individual. So he's going to be  
22 allowed to stay. All right. Anything else from the  
23 plaintiff?

24 MS. MATZ: No, your Honor, except I would like a few  
25 minutes just to confer. This is a big change from our last

1 meeting.

2 THE COURT: Sure. How long do you need?

3 MS. MATZ: I think, if you don't mind, if we could  
4 take a half an hour -- I don't know what time, if you were  
5 planning to break for lunch or what the break schedule is for  
6 today, but I --

7 THE COURT: No, I'm not planning on breaking for  
8 lunch, but in light of, you know, the decision I've made  
9 today, I'll give you half an hour. If we'll just let the jury  
10 know, Ricky, that we've got a little issue here that is going  
11 to take us 30 minutes to resolve, and they can stand at ease,  
12 just to be back in the jury room by 12:40.

13 COURTROOM SECURITY OFFICER: Yes, sir.

14 MS. MATZ: Can I just ask for one other clarification  
15 on the record?

16 THE COURT: Yes.

17 MS. MATZ: So your ruling about this opening the door  
18 only pertains to this email. We are not talking about her  
19 being allowed to open the door for other purposes that have  
20 not been articulated, and otherwise your Honor's ruling from  
21 the last conference stands?

22 THE COURT: Well, I certainly couldn't extend my  
23 ruling to things that we haven't talked about. So this is all  
24 we've talked about, and so, yes, I'm agreeing with your  
25 statement that these issues about what's in her mind about

1 gang membership -- let me back up. Is part of the defamation  
2 statements that she may have made about gang affiliation? I  
3 don't remember that.

4 MS. MATZ: No. Absolutely not.

5 THE COURT: One person at a time, please.

6 MS. MATZ: No. Absolutely not, your Honor.

7 THE COURT: Okay. And what else did you ask about?  
8 Gang membership and --

9 MS. MATZ: So both the --

10 THE COURT: About Byron Nelson, I guess, and what he  
11 did.

12 MS. MATZ: And generally this theory that Ms. Kebe  
13 was being stalked or harassed by my client which related to  
14 our motion in limine to dismiss --

15 THE COURT: I can't see that any of that stuff is  
16 admissible for anything other than her explanation about why  
17 she sent the letter agreeing that things weren't true or she  
18 didn't know that they weren't true.

19 MS. MATZ: So would you mind asking the defense to  
20 make that representation? Because we have other statements  
21 she's made publicly in videos, and, you know, we're obviously  
22 going to talk about what we want to do in light of your  
23 Honor's ruling. But, you know, I do feel that there is  
24 some -- it is a little unfair if we can't rely on this and  
25 have some specifics about how broadly this is given that we're



1 discussing it today.

2 THE COURT: I mean, I don't know if it's unfair or  
3 not. This is the only thing that's been presented to me. Is  
4 there any other reason that the things we've talked about,  
5 Byron Nelson and --

6 MS. IZMAYLOVA: Dennis Byron, your Honor.

7 THE COURT: I'm sorry. Dennis Byron. Byron Nelson  
8 is a PGA player. I'm sorry. That's why it keeps coming up in  
9 my mind. Dennis Byron, about Mr. Byron. I grew up near a  
10 town called Byron, Georgia, so I can remember Mr. Byron. All  
11 right. Anything about Mr. Byron that would be related to  
12 anything else?

13 MS. IZMAYLOVA: No. It's only relevant to explain  
14 her state of mind, and, of course, we would not bring it up if  
15 she didn't need to explain.

16 THE COURT: There's no defamation allegations related  
17 to any claims by the defendant that try to associate the  
18 plaintiff with gang membership; right?

19 MS. IZMAYLOVA: No, your Honor, but now that I think  
20 about it, there is another -- there is going to be another  
21 issue about opening the door. So I guess we should just  
22 probably address it now, I think. On plaintiff's motion in  
23 limine to exclude all evidence about plaintiff's husband's  
24 infidelity, your Honor, had ruled on that. There are several  
25 videos that are referenced in the amended complaint, which I'm

1 presuming the plaintiff will present, you know, in evidence  
2 that are -- that basically only discuss the plaintiff's  
3 husband's infidelity. So --

4 THE COURT: Wait a minute. Wait a minute. So you're  
5 saying the plaintiff would seek to admit videos where the  
6 plaintiff discussed her husband's alleged --

7 MS. IZMAYLOVA: I'm sorry, no. I'm sorry. The  
8 plaintiff filed a motion in limine, and the Court had decided  
9 to exclude any of my client's discussions of the plaintiff's  
10 husband's infidelity but --

11 THE COURT: Did plaintiff sue based on the claims of  
12 infidelity that the defendant had said her husband had engaged  
13 in?

14 MS. IZMAYLOVA: No, but she did -- one of the  
15 alleged, you know, defamatory statements is that my client  
16 said that plaintiff was, you know -- cheated on her husband  
17 but --

18 THE COURT: Okay. And what was the evidence of that?

19 MS. IZMAYLOVA: I'm saying she said it in a video.

20 THE COURT: She being --

21 MS. IZMAYLOVA: My client.

22 THE COURT: Said that the plaintiff may have --

23 MS. IZMAYLOVA: May have cheated at the same time  
24 that she was reporting about the plaintiff's husband cheating  
25 on the plaintiff.

1 THE COURT: All right. What's your argument?

2 MS. IZMAYLOVA: So my only -- I bring this up because  
3 there's a lot of exhibits on plaintiff's exhibit list that  
4 address other videos that my client has published that don't  
5 really talk about plaintiff or anything like that, but they do  
6 talk about plaintiff's husband's infidelity. And so if they  
7 bring those -- if they introduce those videos, then that's  
8 going to open the door to the topic of plaintiff's husband's  
9 infidelity, and I just wanted to make sure that --

10 THE COURT: I would assume that the plaintiffs  
11 wouldn't admit documents or videos that say what they want to  
12 keep out.

13 MS. IZMAYLOVA: Me too, but they put them on their  
14 exhibit list. So I just want to make sure they understand  
15 that that opens the door as well.

16 MS. MATZ: Your Honor, if I can just refresh, I think  
17 I can cut to the chase if you don't mind.

18 THE COURT: Okay.

19 MS. MATZ: When we dealt with this issue, we dealt  
20 with it in a split manner. There were some videos where  
21 Ms. Kebe, the defendant, says -- and I am paraphrasing here --  
22 says something like that the plaintiff's husband was cheating,  
23 so she stepped out too or she got herself a side piece or  
24 something like that. We already agreed that to the extent  
25 she's talking about both of them, those are probably coming in

1 because there's not a way to parse the statements.

2           The motion we made was to preclude excessive evidence  
3 where these statements are only about the defendant's  
4 husband -- excuse me -- about the plaintiff's husband. I  
5 apologize. I misspoke. So I don't really see how that  
6 changes anything. This shouldn't become a trial -- my client  
7 did not assert defamation claims based on what the defendant  
8 said about her husband.

9           THE COURT: Nor could she. Nor could she.

10           MS. MATZ: I'm not sure she could, but it's not at  
11 issue. So the point was to not allow unfairly prejudicial  
12 evidence about this to the extent it's not relevant to the  
13 claims.

14           MS. IZMAYLOVA: Agreed. And then they put a whole  
15 bunch of videos on their witness list where my client only  
16 talks extensively about her husband's infidelity.

17           THE COURT: Okay. There's really nothing for me to  
18 rule on here. I mean, we'll just wait and see what the  
19 plaintiff introduces, and even if she does introduce videos  
20 that exclusively talk about her husband's -- the allegations  
21 against her husband for allegedly having an affair -- two  
22 double alleges there, I'm sorry -- I'm not sure what the  
23 defendant even knows about it. I mean, probably nothing  
24 unless the defendant knows the plaintiff.

25           But it's just not relevant to the plaintiff's --

1 there's no way that one person can sue another person for what  
2 that other person said about someone who's not a party to the  
3 lawsuit. There is no standing if we think about it in the  
4 typical standpoint, even though it would be very hurtful,  
5 obviously, if the allegations were true normally, I would  
6 think, most people would think. So I just don't think there's  
7 anything for me to rule on right now.

8 MS. MATZ: Yeah, so we kind of diverged a little bit.  
9 I would just like to go back to what I asked, and that is  
10 that -- because the things I was mainly concerned was with the  
11 Dennis Byron, which your Honor did ask, and Ms. Izmaylova said  
12 there's nothing else that we're planning on making that  
13 argument for, the general stalking and harassing claims, and  
14 then the gang membership. Those were the three things. I'd  
15 just like to make sure that there's a representation here that  
16 they're not trying to reargue those in some other manner.

17 THE COURT: So general stalking claims, would that  
18 be -- how would that be relevant to anything if this letter is  
19 not in?

20 MS. MATZ: I don't think it is. I'd just like --

21 THE COURT: I'm speaking to Ms. Izmaylova.

22 MS. MATZ: I apologize, your Honor.

23 THE COURT: I'm sorry. I'm not looking at her.

24 MS. IZMAYLOVA: Your Honor, I can't imagine how it  
25 would be, and I would just say that if some evidence comes out

1 during plaintiff's case in chief that reopens the door to this  
2 evidence, that would be the only time that --

3 THE COURT: Okay. So here's the ruling I can give  
4 you: If somebody opens the door to something, the door gets  
5 opened. I mean, that's just law. That's just procedural law,  
6 but I can't rule when that might happen. You'll just have to  
7 let me know that if there's something that has been prohibited  
8 and you believe the door has been opened, before you try to  
9 introduce that evidence then we've got to have a discussion  
10 outside the presence of the jury about why you think the door  
11 has been opened. You cannot mention it to the jury either  
12 directly as an attorney or by question to any witness until  
13 we've talked about it at a side bar or out of the presence of  
14 the jury. Okay?

15 MS. IZMAYLOVA: We're good.

16 THE COURT: Anything else, Ms. Matz, then?

17 MS. MATZ: No, your Honor.

18 THE COURT: Okay. All right. So we'll take a break  
19 for 30 minutes. Thank you.

20 COURTROOM SECURITY OFFICER: All rise. This Court is  
21 in recess for 30 minutes.

22 (Whereupon, a recess was taken from until 12:20 p.m.  
23 to 12:53 p.m.)

24 COURTROOM SECURITY OFFICER: All rise. This court is  
25 again in session. Please be seated and come to order.

1 THE COURT: All right. Is plaintiff ready to  
2 proceed?

3 MS. MATZ: Yes, your Honor, we are.

4 THE COURT: All right. So let me just clarify for  
5 the record my thinking about the admissibility should the  
6 plaintiff seek to admit the defendant's response to the demand  
7 for retraction. The Court finds that it's admissible, that it  
8 was not an offer in compromise, that it's admissibility,  
9 though, is based on the admissions that the defendants make in  
10 the letter that would aid the plaintiff's proof at the very  
11 least of the malice element and the recklessness of the  
12 decision of the defendant to make the statements that she  
13 made. And we'll just wait and see if the plaintiff seeks to  
14 introduce it or not, but the Court would intend to admit it  
15 should the plaintiff offer it in evidence.

16 All right. Call the jury, please.

17 COURTROOM SECURITY OFFICER: Yes, sir.

18 MS. MATZ: Your Honor?

19 THE COURT: Yes, ma'am.

20 MS. MATZ: I'm sorry. Can I bring up one thing  
21 before the jury comes in?

22 THE COURT: Yes.

23 MS. MATZ: I apologize.

24 THE COURT: So those of you that are sitting on the  
25 right side of the courtroom, I'm going to ask you to relocate

1 to the left side of the courtroom. If any jurors want to sit  
2 in that area, it's going to be reserved for the jurors.

3 I'm sorry. Is there something else you wanted to  
4 talk about?

5 MS. MATZ: Yeah. I was just going to ask -- I'm  
6 prepared to proceed with opening arguments. I was wondering  
7 if, however, we could start with testimony tomorrow morning  
8 because it does impact a few things in our case that we had  
9 based around the last rulings and --

10 THE COURT: No, we're starting now. You can -- you  
11 just have to -- lawyers have to make adjustments on the fly.  
12 So I gave you a continuance of 30 minutes before opening.  
13 I've got to be respectful of the --

14 MS. MATZ: Understood, your Honor.

15 THE COURT: Okay. Thank you -- respectful of the  
16 jury's time. Yes, sir.

17 COURTROOM SECURITY OFFICER: All rise.

18 (Whereupon, the jurors entered the courtroom.)

19 THE COURT: So as y'all come in and have a seat, I'm  
20 going to ask you to try to leave some space, kind of stagger  
21 your seating. And let me also say, does anyone want to sit in  
22 the pews as opposed to sitting in our chairs? We've got 14  
23 chairs, and there's 10 of you. So if you want some more  
24 space, then you can have it, and you can have the whole left  
25 side of the courtroom over there if you would like. Don't be



1 shy. If anybody wants to go have a seat in the pews, feel  
2 free to do that. Does anybody want to go and have a seat in  
3 the gallery? If you ever change your mind, just let me know,  
4 and I'll be glad to accommodate you sitting there.

5           There are video monitors in front of you in the jury  
6 box, but there is also a monitor that points towards the  
7 gallery area as well when documents and things like that are  
8 introduced. So I want to make sure everybody feels  
9 comfortable as best we can for the space limitation that we  
10 have.

11           So let me just start off saying that I'm in a great  
12 mood today, had a good night for my football team. A little  
13 tired I suppose, but it was well worth it to have had the  
14 experience last night. I appreciate y'all indulging us by  
15 starting a little bit later today. I know for a fact I'm not  
16 the only person in the courtroom that watched the game.  
17 Hopefully, some of you were interested and you had a chance to  
18 do that as well.

19           Ladies and gentlemen, I need to administer an oath to  
20 you as the jurors that have been selected to try this case.  
21 Give me just a second. I'm going to ask if you would all  
22 raise your right hand, please, and at the end of the oath I'll  
23 ask you to say I agree.

24           (Whereupon, an oath was administered to the jurors.)

25           THE COURT: All right. You can put your hands down.

1 Does anybody except from the oath? The Court sees none. All  
2 jurors have been sworn.

3 Members of the jury, now that you've been sworn I  
4 want to explain some basic principles to you about a civil  
5 trial and your duty as jurors. These are preliminary  
6 instructions. I'm going to give you more detailed  
7 instructions at the end of the trial.

8 It's your duty to listen to the evidence, to decide  
9 what happens, and to apply the law to the facts. It's my job  
10 as the judge to provide you with the law which you must apply  
11 and you must follow even if you disagree with the law.

12 You must decide the case on only the evidence that is  
13 presented in the courtroom. Evidence comes in many forms. It  
14 can be the testimony about what someone saw or heard. It can  
15 be an exhibit or a photograph. It can be someone's opinion.

16 Some evidence may prove a fact indirectly. For  
17 example, let's say that a witness saw wet grass outside and  
18 people walking into the courthouse carrying wet umbrellas.  
19 This may be indirect evidence that it's rained, even though  
20 the witness didn't personally see it rain. Indirect evidence  
21 like this is also called circumstantial evidence. It's simply  
22 a chain of circumstances that likely prove a fact. As far as  
23 the law is concerned, it makes no difference whether evidence  
24 is direct or indirect. You may choose to believe or  
25 disbelieve either kind. Your job is to give each piece of

1 evidence whatever weight you think it deserves.

2           During the trial you're going to hear certain things  
3 that are not evidence, and you must not consider them. First,  
4 the lawyers' statements and their arguments are not evidence.  
5 In their opening statements that you'll hear in a few moments  
6 and closing arguments at the end of trial, the lawyers will  
7 discuss the case with you. Their remarks may help you follow  
8 each other's -- each side's arguments and presentation of the  
9 evidence, but the remarks themselves are not evidence and  
10 should not play a role in your deliberations.

11           Second, the lawyers' questions and the objections to  
12 those questions are not evidence. Only the witness's answers  
13 are evidence. Don't decide that something is true just  
14 because a lawyer's question suggests that it is. For example,  
15 a lawyer may ask a witness, you saw Mr. Jones hit his sister,  
16 didn't you? The question is not evidence of what the witness  
17 saw or what Mr. Jones did unless the witness agrees with the  
18 question.

19           There are rules of evidence that control what the  
20 Court can receive into evidence. When a lawyer asks a  
21 question or presents an exhibit, the opposing lawyer may  
22 object if he or she thinks that the rules of evidence don't  
23 permit it. If I overrule the objection, then the witness may  
24 answer that question or the Court may receive that exhibit.  
25 If I sustain the objection, then the witness cannot answer

1 that question, and the Court cannot receive the exhibit. When  
2 I sustain an objection to a question, you must ignore the  
3 question and not guess what the answer might have been.

4 Sometimes I may disallow evidence; that is, I might  
5 strike evidence that has come in and order you to disregard or  
6 to ignore it. That means that you cannot consider that  
7 evidence when you're deciding the case. I may allow some  
8 evidence only for a limited purpose. When I instruct you that  
9 I've admitted an item of evidence for a limited purpose, you  
10 must consider it only for that purpose and for no other.

11 To reach a verdict you may have to decide whether  
12 testimony -- let me start that over. To reach a verdict you  
13 may decide -- you may have to decide which testimony to  
14 believe and which testimony not to believe if there is some  
15 that you don't believe.

16 You, as the jury, may believe everything a witness  
17 says, part of what that witness says or none of it. When  
18 considering a witness's testimony, you may take into account  
19 the witness's opportunity and ability to see, hear, and know  
20 the things about which that witness testifies, the witness's  
21 memory, the witness's manner while testifying, any interest  
22 the witness has in the outcome of the case, any bias or  
23 prejudice that the witness may have, any other evidence that  
24 contradicts the witness's testimony, the reasonableness of the  
25 witness's testimony in light of all the other evidence, and

1 any other factor which you believe affects believability.

2 At the end of the trial, I will reiterate these  
3 guidelines for determining a witness's credibility.

4 The case before you today is a civil case brought by  
5 the plaintiff against the defendants in which the plaintiff  
6 claims that based on videos that the defendants posted on  
7 YouTube about the plaintiff, that the defendants are liable  
8 for defamation, invasion of privacy, false light, and  
9 intentional infliction of emotional distress.

10 The plaintiff has the burden of proving her case by  
11 what is called a preponderance of the evidence. That means  
12 that the plaintiff must prove that in light of all the  
13 evidence which she claims is more likely true than not. So if  
14 you could put the evidence favoring the plaintiff and the  
15 defendants on opposite sides of a balancing scale, the  
16 plaintiff needs to make the scales tip to her side. If the  
17 plaintiff fails to meet this burden as to any particular  
18 claim, then as to that claim you must find in favor of the  
19 defendants.

20 To decide whether any claim has been proved by a  
21 preponderance of the evidence, you may, unless I instruct you  
22 otherwise, consider all the testimony of the witnesses  
23 regardless of who called them and all of the exhibits that the  
24 Court has allowed regardless of who introduces them. After  
25 considering all of the evidence, if you decide that a claim or

1 fact is more likely true than not, then the claim or fact has  
2 been proved by a preponderance of the evidence.

3           While serving on a jury you may not talk with anyone  
4 about anything related to the case. You should tell people  
5 that you're a juror and give them information about when you  
6 must be in court, but you must not discuss anything about the  
7 case itself with anyone. And this includes with each other.  
8 You shouldn't talk about the case with each other until you  
9 begin your jury deliberations after the closing arguments and  
10 after the Court gives to you the law that applies to the case.

11           You want to make sure that you've heard everything,  
12 all the evidence, the lawyers' closing arguments, and my  
13 instructions on the law before you begin to deliberate. You  
14 should keep an open mind until the end of the trial.  
15 Premature discussions may lead to premature decisions.

16           So it's a different world than it was 30 years ago.  
17 People might not talk, but they often use social media and  
18 other technology to communicate. So I want to emphasize that  
19 in addition to not talking face to face with anyone, you must  
20 also not communicate with anyone by any other means, not  
21 emails, not text messages, not the internet, including any  
22 social media platforms.

23           You should not google or search online or offline for  
24 any information about this case, about the parties or about  
25 the law. Do not read or listen to the news about this case or

1 visit any places related to this case that might be described  
2 by the evidence. Do not research any fact, law or issue  
3 related to this case. The law forbids jurors to talk with  
4 anyone else about the case and forbids anyone else to talk to  
5 the jurors about it.

6           As I stated yesterday before we ended our session,  
7 that it's -- you must base your decision only on what happens  
8 in the courtroom. There are certain rules about what can be  
9 received and what can't come into court. The parties are  
10 entitled to know what is presented and what you might  
11 consider, and so you should limit it only to what comes in in  
12 court pursuant to those rules.

13           The law often uses words and phrases in special ways.  
14 Legal words have legal meanings sometimes different from the  
15 general meaning, and it's important that any definitions you  
16 hear about what these words mean comes from me and not from  
17 any other source.

18           Only you, the jurors, can decide a verdict in this  
19 case. The law sees only you as fair, and only you have  
20 promised to be fair. No one else is so qualified.

21           So if you want to take notes, then this is going to  
22 be a long trial, and that probably will be helpful to at least  
23 some of you. Please don't share your notes with each other  
24 during the course of the trial until jury deliberations, if  
25 you see fit at that time to do so. I would ask that you put

1 your name on the first page of your notepad and have your note  
2 taking be on the subsequent pages. That way at the end of the  
3 day you can leave your notes in the jury deliberation room,  
4 and they can be disseminated the next day without anyone  
5 having to look at what your notes may have said.

6 Now, don't let your note taking, though, distract you  
7 from carefully listening to what is said in court and  
8 observing the witnesses and their manner of testifying.  
9 Whether or not you take notes, you should rely on your own  
10 memory of the testimony. Your notes are there only to help  
11 your memory. The notes are not entitled to greater weight  
12 than your memory or impression about the testimony.

13 Whether you take notes or not, please pay careful  
14 attention to the witnesses and their testimony because after  
15 the trial, while you're deliberating I will not be able to  
16 provide you with a transcript of what has been said.

17 The lady in front of me is a court reporter that  
18 works in this courtroom. She is creating a transcript, but  
19 her version of things won't be final until after the trial is  
20 over with because she'll have to go back, and she'll listen to  
21 the testimony and she'll proofread the stuff that she does on  
22 a daily basis. You know, we all make mistakes, and some of  
23 the process of creating a transcript uses artificial  
24 intelligence. And, you know, it doesn't often do it  
25 correctly, and you have to go back and make it correct. And



1 so the bottom line is while I might be able to read along some  
2 with what is going on in the courtroom on an unofficial  
3 translation, it's not complete. It's not final until way  
4 after trial.

5           So the bottom line is you can't miss something that  
6 occurs and then think, well, I can read about it later because  
7 you're not going to be able to read it until afterwards. The  
8 record that's created here is for purposes on appeal later and  
9 not for purposes of the jury's consideration during the trial  
10 itself.

11           So let me talk a little bit about the trial process.  
12 First the plaintiff and the defendant will have an opportunity  
13 to make an opening statement. They don't have to, but I  
14 expect that they will. I want you to remember what I said.  
15 The lawyers making an opening statement is not evidence. It's  
16 not supposed to be argumentative. It's just an outline of  
17 what that party believes they can prove or what the evidence  
18 will show during the course of the trial.

19           After opening statements, the plaintiff will then  
20 present her witnesses and ask them questions. After the  
21 plaintiff asks a question of her witnesses, the defendant's  
22 counsel may also ask witnesses, those witnesses, questions.  
23 That's called cross-examining the witnesses.

24           Once the plaintiff has introduced all of her  
25 evidence, testimony of witnesses, any documents or exhibits

1 that might be introduced through those witnesses, it will then  
2 be the defendant's opportunity to present their witnesses.  
3 Any witnesses called by the defendants can also be questioned  
4 by the plaintiff's counsel, cross-examined, as the defendant  
5 also has that right relative to the plaintiff's witnesses. I  
6 want to remind you, you should base your decision in this case  
7 on all of the evidence regardless of which party presented it.

8           After all of the evidence has been introduced, the  
9 parties will present closing arguments to you in which they  
10 will summarize and interpret for you the evidence that you  
11 have heard. I will then give you the law, jury instructions,  
12 and then you will go out to begin your deliberations. That is  
13 the first time that you should begin talking about the case.

14           I think jurors often wonder why we don't give you the  
15 law now, and the reason we don't do that is twofold. One is  
16 I'm not going to know all of the law that might be applicable  
17 to this case until all the evidence is presented. The law has  
18 to be adjusted to the evidence. Certain things, certain parts  
19 of the law that could apply might not apply depending on what  
20 the evidence ends up being. So I have to wait until the end  
21 to make that decision.

22           And the second reason is probably the most important  
23 reason, is I don't want you to concern yourself with the law  
24 at this point in time. I want you to concern yourself with  
25 determining, based on from what you see and hear and read,

1 what happened. And then at the end, once you've had all that  
2 evidence, I'll give you the law, and you can discuss what  
3 you've decided happened and apply it to the law to determine  
4 what the verdict in this case should be.

5 Sometimes parties agree that certain facts are true.  
6 Their agreement is called a stipulation. If any stipulations  
7 are presented to you, then you must treat these stipulations  
8 as facts that have been proved for purposes of this case.

9 Now, a deposition is a witness's sworn testimony that  
10 is taken before trial. During a deposition the witness is  
11 under oath, and he or she swears to tell the truth. And the  
12 lawyers for each party can ask questions of that witness. A  
13 court reporter is present and records the questions that are  
14 asked and the answers that the witnesses give.

15 Deposition testimony is entitled to the same  
16 consideration by you as live testimony, and you must judge it  
17 in the same way as if the witness was here testifying in  
18 court. In considering a deposition testimony, do not place  
19 any significance on the behavior or the tone of the voice of  
20 the person who may be reading those questions and the answers  
21 that the witness gave.

22 From time to time it's going to be necessary, I'm  
23 sure, for me and the lawyers to have discussions outside of  
24 your ability to hear. Typically we'll go over here to the  
25 right side of the bench. There's a microphone over there. So

1 we'll talk loud enough that the court reporter can hear us but  
2 hopefully not loud enough for you to hear us. And the reason  
3 we have these bench conferences is that we're trying to make  
4 sure that we're all following the correct rules of evidence  
5 that apply before something is said or done that it is the  
6 right decision.

7           If those discussions become lengthy or involved more  
8 than what we can just do while we whisper on the side of the  
9 bench, then I might have to send you outside the courtroom so  
10 that we can discuss the matter in a little bit more open  
11 environment. We'll do our best to keep those to a minimum,  
12 but I just want to alert you to the fact that that will likely  
13 happen at some point during the course of the trial.

14           All right. Ladies and gentlemen, we are now ready to  
15 have opening statements. The plaintiff in this case has the  
16 burden of proof, and so they have an opportunity to make their  
17 opening statement first.

18           For the plaintiff -- and just to make sure that  
19 counsel knows, you both have 30 minutes. The plaintiff's time  
20 will be on the clock to the left behind the jury, and the  
21 defendant's time will be on the right. I will not give you a  
22 warning when your time is about to expire, but when it is up,  
23 I'll tell you that you need to wrap up. Okay. Thank you.

24           MS. MATZ: Good afternoon. Members of the jury, my  
25 name is Sarah Matz. I represent the plaintiff, Belcalis

1 Almánzar, who is professionally known as Cardi B. Many of you  
2 have likely heard of her before. She's a very talented rap  
3 artist.

4 And you heard some things in this case yesterday, but  
5 today, as the judge said, you are going to start to hear the  
6 actual evidence. The judge is going to instruct you on the  
7 law, and based upon what you heard yesterday, you might think  
8 you know a little bit about this case. But today you're  
9 actually going to start hearing about it.

10 You're here to decide three basic claims. Our client  
11 has brought claims for defamation, invasion of privacy, and  
12 putting someone in a false light and intentional infliction of  
13 emotional distress. But make no mistake. The evidence is  
14 going to show you that you're actually here because of the  
15 defendants and their behavior.

16 This is not a case where the defendants merely said  
17 things that weren't true, that weren't harmful or criticized  
18 my client or her music. That's not what this case is about.  
19 The evidence is going to show you that this case is about the  
20 defendant's making repeated and relentless statements that are  
21 both vile and false about my client to torture her out of  
22 greed and spite.

23 I apologize in advance. You are going to hear some  
24 curse words today and probably many days in this trial. I  
25 will assure you these are not necessarily my words, but these

1 are the words I'm going to describe in some of the evidence  
2 you're going to hear today. So I'm going to use some of the  
3 words that you will hear later in evidence.

4           The evidence is going to show that the defendants,  
5 Ms. Kebe and her company, Kebe Studios, which is under her  
6 control, published despicable falsehoods about my client in  
7 videos and written posts that were put on social media for the  
8 world to see. The evidence is going to show that they contain  
9 statements that my client engaged in disgusting and debasing  
10 acts with a beer bottle. The evidence is going to show you  
11 that one of the statements that was made is that my client  
12 allegedly, while naked on a stage, took a beer bottle from a  
13 patron, put it in her vagina, took it out, drank a sip out of  
14 it, and handed it back to the patron.

15           The evidence is also going to show that the  
16 defendants took to social media and published videos and posts  
17 saying that my client has herpes and HPV. The evidence is  
18 also going to show the defendants published videos on the  
19 internet that contain statements that my client committed  
20 adultery, cheated on her husband, that she engaged in  
21 prostitution, and used cocaine.

22           The evidence is also going to show you that none of  
23 this is true and that the defendants knew these statements  
24 were false or had a reckless disregard for whether or not they  
25 were true prior to publishing them repeatedly. This is not an

1 isolated incident. The evidence is going to show that for  
2 years the defendants have continued to make these statements  
3 and republish them and have taken pleasure in doing that to my  
4 client.

5           Some of the evidence you're going to see is that  
6 defendants would, in their tweets and Instagrams, would call  
7 my client Hashtag Herpes B as a play on her professional name,  
8 Cardi B, or they would tag her by actually using her handles  
9 on those social media applications to ensure both that they  
10 could use that as clickbait to drive viewers and ad revenue to  
11 their platform and to ensure that everyone knew, including my  
12 client, that those were directed at her so that she would see  
13 the lies they were spreading about her.

14           You're also going to hear evidence that all of the  
15 defendant's statements are provably false. You're going to  
16 see medical records that show that my client does not have  
17 herpes and does not have HPV, and you're going to hear that in  
18 testimony as well.

19           You're going to hear that the defendant did not have  
20 any reliable information or proof that my client had those  
21 sexually transmitted infections before she went online and  
22 said it or published videos saying it.

23           You're also going to hear the defendant admit that  
24 her source of the statement that my client had herpes was  
25 completely unreliable, that Ms. Kebe herself actually thought

1 that that person was lying, that that source had told Ms. Kebe  
2 that she had a criminal past, and that Ms. Kebe believed that  
3 the source had mental issues prior to publishing the  
4 statements. But Ms. Kebe published them anyway.

5           You're also going to hear Ms. Kebe admit that she  
6 didn't obtain any corroborating documentation from this  
7 alleged source and, also, that prior to the time she published  
8 the statements about my client having herpes, that she knew  
9 there were documents out there that another person she knew  
10 who helped her get this interview would debunk her source.  
11 She knew that before she published the statements, and the  
12 evidence will show you that she published them anyway.

13           With reference to Ms. Kebe's statements that my  
14 client has HPV, you're going to hear evidence that shows that  
15 when she told the world and millions of people that my client  
16 has HPV, that she thought the story was false, but she put it  
17 out anyway.

18           You're also going to hear that my client has never  
19 engaged in a debasing act with a beer bottle or a sexual act  
20 with a beer bottle the way Ms. Kebe described or in any  
21 manner. You're going to hear evidence that my client has not  
22 only never done that but that the source that Ms. Kebe is  
23 going to try to rely on, a video online, doesn't resemble my  
24 client at all and that no reasonable person could have looked  
25 at that video and thought it was my client without a complete



1 and utter reckless disregard for the truth.

2           You're also going to hear that despite the fact that  
3 Ms. Kebe follows my client on social media and the fact that  
4 she's aware that my client often goes on social media to talk  
5 about allegations being made about her, that she didn't bother  
6 to look at my client's social media even though she knew that  
7 my client might have made statements saying that that wasn't  
8 her in the beer bottle video, which actually my client had  
9 made statements publicly, both on Twitter and that was picked  
10 up in many news articles, showing that it was not her in the  
11 video.

12           But, again, the evidence is going to show you that  
13 Ms. Kebe stuck her head in the sand and decided to proceed  
14 anyway despite the fact that there was no reasonable basis for  
15 her to do so.

16           You're also going to hear evidence that my client  
17 never engaged in adultery. She's never engaged in  
18 prostitution, and she has never done cocaine. Despite all of  
19 this -- and you're going to hear evidence about the various  
20 timeframes defendants had knowledge and the fact that at each  
21 step they had more and more and more knowledge -- they have  
22 continued to make these statements, many times even while this  
23 lawsuit was pending, after it was filed. The evidence is  
24 going to show you that defendants are never going to stop  
25 unless you stop them.

1           You're going to see evidence that my client sent not  
2 one, not two, but three separate cease and desist and demands  
3 for retraction prior to filing a lawsuit. That didn't stop  
4 the defendants. You're going to see that after defendants  
5 received the first one, Ms. Kebe went online and told the  
6 world she was going to wipe her ass with it. You're going to  
7 hear evidence that even after this lawsuit, Ms. Kebe still  
8 refused to take the statements down.

9           You're also going to hear evidence that directly  
10 prior to this lawsuit being filed, Ms. Kebe was sent another  
11 demand for retraction that went unheeded, and again she went  
12 online and told viewers that she would wipe her ass with it.  
13 The evidence is going to show that even after this lawsuit was  
14 filed, even after my client took the step of starting this  
15 lawsuit to stop the campaign of defamation, that the  
16 defendants continued to publish videos reiterating many of  
17 these statements.

18           You're also going to hear evidence that during this  
19 lawsuit another demand for retraction was sent regarding some  
20 of the new videos and that defendant didn't even bother to  
21 read it. Instead, she told her attorneys to tell us to fuck  
22 off.

23           Members of the jury, the evidence will show you that  
24 we're here today because the defendants have just kept going.  
25 They refused to stop, and they've said that they are never

1 going to stop or take the videos down unless a court makes  
2 them. And that's why we're here today. The defendants have  
3 no incentive to take them down. They're making money using my  
4 client as clickbait and these defamatory statements as  
5 salacious ways to draw consumers in. And Ms. Kebe, you're  
6 going to hear her that she freely admitted that she knows this  
7 upsets my client, and she does it intentionally.

8           Now, the defense is going to try to convince you that  
9 the unWinewithTashaK platform is opinion -- you heard that  
10 word a lot yesterday -- or that the defendants had some belief  
11 that the statements that they were making were true or even  
12 more disgustingly that this is some kind of humor. But you're  
13 all smart people, and the evidence that we're going to put  
14 before you is going to clearly show that none of that is the  
15 case. The defamatory statements are not opinion. The  
16 evidence is going to show that these are statements of fact  
17 that are capable of being proven true or false, and as I said  
18 a moment ago, you're going to hear evidence that they are  
19 demonstrably false.

20           You are going to hear evidence also that that is  
21 exactly how Ms. Kebe presented them to the viewers of her  
22 platform. She presented them as facts. She told people,  
23 everything I said was accurate. She has also referred to  
24 herself as a journalist to her viewers and has admitted that  
25 she has, although admits that she does not actually consider

1 herself a journalist.

2 MR. SABBAK: Your Honor, I'm going to object. This  
3 is argument.

4 THE COURT: I'm sorry. It's what?

5 MR. SABBAK: Argument.

6 THE COURT: Objection is overruled. You may proceed.

7 MS. MATZ: Thank you, your Honor. You're going to  
8 hear that by doing that, she's misleading her own viewers.

9 The evidence is also going to show that based upon  
10 the circumstances surrounding all of these and even some of  
11 defendant's own statements in later videos, that the  
12 defendants knew that some of these statements were false at  
13 the time they published them. And as to the others, that they  
14 clearly engaged in a reckless disregard for the truth because  
15 they knew that the sources, the sources of the alleged  
16 information, weren't credible, and they had doubts about the  
17 veracity of those statements.

18 The evidence is also going to show that this isn't  
19 funny. Saying people have highly stigmatic diseases and have  
20 engaged in disgusting and vile sexual acts with objects is not  
21 a joke. You're even going to hear Ms. Kebe admit that she  
22 knows that statements like this, if false, are defamatory and  
23 if someone said them about her, she would sue them.

24 The evidence is going to show at the end of this that  
25 Ms. Kebe's conduct and her company is so extreme it goes

1 beyond all possible bounds of decency, and it's atrocious and  
2 shouldn't be tolerated in a civil society.

3           You're also going to see evidence that the defendants  
4 have intentionally done what they can to hurt and injure my  
5 client, and that unfortunately that's succeeded. It kind of  
6 has hurt my client. You're going to hear evidence that -- who  
7 my client is. She's both a worldwide famous performer, she's  
8 also a young mother. And at the end of the day, this conduct  
9 has hurt her, and she suffered a tremendous amount of  
10 emotional pain from the statements and the impact that they've  
11 had on her.

12           Now, most of you might have come in here thinking  
13 that my client isn't exactly like every single person in this  
14 room, and maybe she's not. She is an incredibly talented rap  
15 artist, an incredibly talented performer, and she's a woman  
16 and she's a mother and she's many things. But at the end of  
17 the day, she's also a human being. You're going to see  
18 evidence that she's come from humble beginnings, and although  
19 she's achieved a high level of success, this shouldn't be the  
20 price.

21           Is it okay for defendants to go on the internet in  
22 front of millions of people and say that my client has herpes  
23 and HPV? Is it okay for the defendants to say that my client  
24 engaged in sexual acts with a beer bottle? Is it okay for the  
25 defendants to say that my client engaged in adultery or

1 prostitution or cocaine when the evidence is going to show you  
2 that those things aren't true? Of course not. Becoming  
3 successful and famous doesn't give anyone the right to spread  
4 malicious falsehoods.

5           Members of the jury, the judge is going to instruct  
6 you on the law, and after you've seen the facts here, we  
7 respectfully submit that there's only going to be one  
8 conclusion, and that is that the defendants are liable for the  
9 conduct that they've alleged. We greatly appreciate your time  
10 and your patience during this process. Thank you.

11           THE COURT: All right. For the defendant?

12           MR. SABBAK: Ms. Kebe's favorite childhood memory was  
13 the time she spent with her mother, her uncles, brothers, at  
14 home watching celebrity news and making fun of the people they  
15 saw. This led to her interest in radio broadcast, which she  
16 began part-time while she was working at the Cheesecake  
17 Factory.

18           She worked for -- many people know Clark Howard who  
19 is a close mentor of hers. And as she tried to break into  
20 radio and found it very difficult, YouTube was a new avenue, a  
21 new platform, a new opportunity for creative people who want  
22 to get themselves out there to do it themselves.

23           Now, Mr. Kebe has his own interest. That was video  
24 production, video editing, and this is something he's always  
25 done, music videos, films, commercials, advertisements. And

1 it just so happens that while Ms. Kebe is trying to bring  
2 herself up as a radio personality Mr. Kebe is trying to bring  
3 himself up in video editing, and they meet in 2004 at the  
4 Cheesecake Factory in Maryland. Mr. Kebe asked Ms. Kebe out  
5 on a date two weeks after she started. They got married in  
6 2006, 2010 moved to Atlanta.

7 In 2015 while Mr. Kebe was at work Ms. Kebe was at  
8 home enjoying a glass of wine, and she saw a news article, a  
9 clip, some gossip news about Lil Wayne, who's a rapper, and  
10 his girlfriend breaking up. And it was probably the wine, but  
11 Ms. Kebe decided to made a video about it, just her general  
12 thoughts. Well, she made the video, posts it on Facebook,  
13 went to sleep.

14 A few hours later her husband runs in the house.  
15 What did you do, Tasha? My family can see all those videos --  
16 or this video. Why did you post this? What are you talking  
17 about? Says it has 5 million views. It went viral instantly.  
18 And at that moment Ms. Kebe and Mr. Kebe found their path in  
19 life, and that's when unWinewithTashaK, the YouTube channel  
20 that's at issue today, began.

21 Now, as I said, this project started in about 2015,  
22 and with all good things they take time to build. And if you  
23 want to build something with a solid foundation, that's one  
24 brick at a time, and so Ms. Kebe and Mr. Kebe have been  
25 building their dream one brick at a time.

1           Now, in 2018 that was a particularly good year for  
2 unWinewithTashaK. She had broken many stories, particularly  
3 stories about R. Kelly, just before the story that we're at --  
4 we're here to listen today. And so Ms. Kebe at that point had  
5 already garnered much media attention. Her subscriber list  
6 had grown, and the momentum was going forward.

7           In about beginning to middle of September 2018 what  
8 you're going to hear is that an individual named Starmarie  
9 Jones posted a video or was on a live chat with her followers,  
10 and the topic of plaintiff, Ms. Almánzar, came up. And during  
11 that video she made some allegations, but she alleged and  
12 you'll hear that the plaintiff and Starmarie, they lived  
13 together. They worked at the same strip club in New York.  
14 Okay. And from that knowledge, her living with Ms. Almánzar,  
15 them working together, she made a few statements about  
16 Ms. Almánzar. And that, those statements, Ms. Kebe saw.  
17 Those statements went viral.

18           Those statements include things about, like I said,  
19 living with the plaintiff, her brush in time with  
20 prostitution, her drug use, and certain other things. And you  
21 will hear that video. That video went viral. You'll hear  
22 that it was not Mrs. Jones's intent for that video to go viral  
23 or to publish a video about the plaintiff. It happened to  
24 come up during an unrelated live event. Regardless, it goes  
25 viral, and as all good journalists or reporters do, they want



1 to get the scoop. They want to get the story. And the reason  
2 why we're here today is because Ms. Kebe got that story.

3 And so Ms. Kebe, a few days after this IG Live was  
4 released, arranged a story or an interview with Ms. Jones,  
5 which you will get to see. It's about 45 minutes to an hour  
6 where it details Ms. Jones's relationship with the plaintiff,  
7 their time together in New York. You'll see how it describes  
8 the statements that are at issue here today. You will hear  
9 Ms. Jones's version of it, and you will hear Ms. Kebe  
10 cross-examining her as though she was an attorney to get the  
11 truth.

12 You'll also hear how plaintiff contacted Ms. Kebe,  
13 and you will hear how Ms. Kebe offered her an opportunity to  
14 discuss the video. Plaintiff declined. Plaintiff suggested  
15 that Ms. Kebe should talk to her other friends, friends that  
16 worked at the same strip club in New York, which she did. And  
17 you will see -- you will hear that those friends confirmed  
18 those suspicions.

19 But, most importantly, aside from Starmarie Jones,  
20 the reason why it sparked this whole lawsuit, these  
21 allegations that the plaintiff claims are defamation, you will  
22 hear direct evidence showing that they are, in fact, true.  
23 And the majority of that evidence comes from the plaintiff's  
24 own mouth, her issue of prostitution, drug use. As far as  
25 this allegation of genital herpes, none was made. It was an

1 allegation about cold sores said in passing during that  
2 interview.

3 But if plaintiff left it alone at that interview,  
4 which wasn't a big, huge follow-up interview, but by plaintiff  
5 commenting, making statements to the media, she now raises the  
6 profile of that video. And so now it becomes more popular,  
7 and every time plaintiff comments on Ms. Kebe's videos or  
8 statements, that video garners more and more views.

9 Everyone is familiar with humor. Everyone is  
10 familiar with opinion. And everyone needs context in order to  
11 appreciate that. And so what you will get throughout this  
12 trial, ladies and gentlemen, is context. And so I beg you to,  
13 as the judge said, wait for the evidence to be presented, and  
14 take all of these allegations in the context. And context is  
15 not just in statement before, as we know. It's the statements  
16 prior and just after.

17 Okay. And so I ask you not to make any judgment  
18 about what the plaintiff is alleging Ms. Kebe said until you  
19 actually hear the videos in the context because context is  
20 everything, especially in the media business.

21 Finally, ladies and gentlemen, you're going to hear  
22 about the true reason why you're here today. You will hear  
23 what it really is the plaintiff is asking you to do to  
24 Ms. Kebe, Mr. Kebe, and their company. You will see a video  
25 from the plaintiff discussing this issue, alleging things also

1 untrue but not at issue today, that Ms. Kebe is harassing her  
2 friends and the like. Mind you these will be the same friends  
3 you will hear were the ones that plaintiff instructed Ms. Kebe  
4 to follow up with, which she did. No matter. Because she  
5 followed up with them, she classified it as harassing her  
6 friends, which she stated was too far, and because I can't put  
7 my hands on you, I'm going to sue you for diffamation of  
8 character.

9           And so what you're really going to be asked to do  
10 here today by the plaintiff is to put your hands on these  
11 people. And what you're going to find, ladies and gentlemen,  
12 is that Ms. Kebe had no malice, had no malice in this case.  
13 Mr. Kebe, by continuing to allow the videos to stay up also  
14 has no malice in this case. And at the end once you hear all  
15 the statements in their proper context, you will find there's  
16 no liability for Ms. Kebe, Mr. Kebe or Kebe Studios. Thank  
17 you.

18           THE COURT: All right. Thank you. That ends the  
19 opening statements, and we will proceed with the plaintiff's  
20 case. Plaintiff can call her first witness.

21           MS. MATZ: Thank you, your Honor. As our first  
22 witness, we call the defendant, Latasha Kebe.

23           MS. IZMAYLOVA: May we approach briefly?

24           THE COURT: Sure.

25           (Whereupon, a bench conference was held between the

1 court and counsel.)

2 MS. IZMAYLOVA: I'm not sure if this is going to come  
3 up or not, but I did hear something about a criminal history  
4 of Starmarie Jones, and your Honor had ruled out any evidence  
5 of Starmarie Jones except for the video, obviously. And I  
6 just wanted to bring it up because I don't know if it's going  
7 to come out or not from her opening.

8 MS. MATZ: It's in the video Starmarie discusses the  
9 history and defendant admitted -- excuse me -- the defendant  
10 admitted to her telling us in the deposition and that wasn't  
11 something the Court ruled on. The Court ruled Starmarie  
12 communications except for video texts were out, not the video  
13 we're talking about where Starmarie admitted that she was on  
14 parole and wasn't even supposed to be in the state at the time  
15 this was all happening.

16 MS. IZMAYLOVA: I just wanted to bring it up for the  
17 record just in case.

18 THE COURT: I don't think there's anything for me to  
19 rule on. I don't need you to explain. Thank you.

20 (Whereupon, the following proceedings continued in  
21 open court.)

22 THE COURT: All right. Ms. Kebe, it's my  
23 understanding you're not yet fully vaccinated; is that  
24 correct?

25 THE WITNESS: No.

1           THE COURT: So if you will assemble that face shield  
2 and then wear that in lieu of your mask. It's beautiful, and  
3 you're going to want to keep it. Ms. Kebe, if you would  
4 remain standing, the clerk is going to administer an oath,  
5 please.

6           COURTROOM DEPUTY: Please raise your right hand.

7                   LATASHA TRANSRINA KEBE,  
8           herein, having been first duly sworn, was examined  
9 and testified as follows:

10          COURTROOM DEPUTY: Thank you. Please be seated, and  
11 state and spell your name for the record.

12          THE WITNESS: Okay. Latasha Transrina Kebe, and  
13 that's spelled L-a-t-a-s-h-a. My middle initial -- Oh, I'm  
14 sorry. My middle name Transrina, T-r-a-n-s-r-i-n-a. Last  
15 name, Kebe, K as in kite, E as in elephant, B as in boy, E as  
16 in elephant, Kebe.

17          Is the mike okay?

18          COURTROOM DEPUTY: You can lower it a little bit.  
19 Thank you.

20          THE WITNESS: If the chair raises, I can reach the  
21 mike. I don't know if the chair raises. Okay. We're good.  
22 All right.

23          MS. MATZ: May I inquire, your Honor?

24          THE COURT: You may.

25          MS. MATZ: Thank you.

## 1 CROSS-EXAMINATION

2 BY MS. MATZ:

3 Q Good afternoon, Ms. Kebe.

4 A Good afternoon.

5 MS. MATZ: I'd actually like to start by reading some  
6 of the stipulated facts in this action into the record just  
7 for some background items.

8 THE COURT: Yes, ma'am.

9 MS. MATZ: Stipulated -- do I need to read the  
10 numbers out, your Honor?

11 THE COURT: You mean of the stipulations?

12 MS. MATZ: Yeah.

13 THE COURT: Whatever you -- however you want to do  
14 it.

15 MS. MATZ: All right. Ms. Kebe was previously known  
16 as Latasha Howard. Kebe Studios was formed on or about  
17 April 14th of 2018 as a Georgia limited liability company.  
18 The defendants, which was defined in this stipulation as Kebe  
19 and Kebe Studios, the company, produce, host, and publish  
20 videos on YouTube under the moniker "unWinewithTashaK."  
21 Defendants advertise and sometimes post these videos on  
22 various social media platforms including Twitter and  
23 Instagram. Kebe Studios only has two members, each of whom  
24 own 50 percent of its membership units. Kebe Studios' only  
25 members are Ms. Kebe and Cheickna Kebe. Cheikna Kebe is

1 Ms. Kebe's husband.

2           Kebe is in control of, and makes all of the decisions  
3 regarding the content that the defendants publish on YouTube  
4 and other social media platforms.

5           Defendants own or control the following platforms and  
6 websites: [Www.unwinewithtashak.com](http://Www.unwinewithtashak.com), which is defined as the  
7 "Website"; [amazon.com/shop/unwinewithtashak](http://amazon.com/shop/unwinewithtashak);  
8 [streamlabs.com/unwinewithtashak/merch](http://streamlabs.com/unwinewithtashak/merch); the YouTube channel,  
9 which is referred to as the "Main YouTube Channel"; a second  
10 YouTube channel referred to as the "Wino Gang Podcast," which  
11 until April of 2019 was called unWinewithTashaK Live. Also,  
12 the Patreon Page <https://www.patreon.com/TashaK>.

13           Defendants also own and control the following  
14 platforms and/or social media accounts slash -- excuse me --  
15 social media handles/accounts: The Facebook account, which is  
16 @unWinewithTashaK. And that's [facebook.com/unwinewithtashak](http://facebook.com/unwinewithtashak);  
17 The Facebook - Tasha Kebe, which is [facebook.com/tashakebe](http://facebook.com/tashakebe);  
18 the Twitter account with the handle @unwinewithtasha; the  
19 Instagram account with the handle @unwinewithtashak. This  
20 account was deactivated on August 10th of 2018 and was  
21 reactivated on October 7th of 2019, as well as the Instagram  
22 account wineisthenewtea.

23           Defendants previously owned and/or controlled the  
24 following social media platforms or social media handles and  
25 accounts, although all of these are now deactivated:

1 Instagram - @unwinewithtashakofficial, Instagram -  
2 @thewinebloggerlady, Instagram - @iamunwinewithtashak,  
3 Instagram - @unwinewithtasha and Instagram - tashakunwined,  
4 e-d at the end.

5 Defendants publish content and gain more viewers and  
6 followers to their media channels and, as a result, more  
7 advertising revenue.

8 The defendants receive revenue through advertising on  
9 YouTube, as well as from monetization of videos on Patreon and  
10 sometimes directly from advertisers.

11 And defendants receive those monies through Patreon  
12 PayPal, Venmo, and direct payments into bank accounts.

13 All right. Ms. Kebe, do you recall publishing a  
14 video on September 2nd of 2018?

15 THE WITNESS: Not off the top of my head. Could you  
16 remind me of that video, please?

17 BY MS. MATZ:

18 Q Sure. Can you pull up Plaintiff 532.

19 I'm going to show you what's been previously marked  
20 as Plaintiff 532.

21 A Will it show right here?

22 Q It's shown in a moment.

23 A Okay.

24 COURTROOM DEPUTY: So it's only going to be on the  
25 witness screen.



1 THE COURT: Are y'all controlling to show on this  
2 screen?

3 COURTROOM DEPUTY: It's connected to plaintiff's back  
4 table.

5 THE COURT: Why are you looking at me?

6 MS. MATZ: Huh? I didn't hear you, your Honor.

7 THE COURT: I said why are you looking at me?

8 MS. MATZ: Oh. I thought you were saying something.  
9 I'm sorry.

10 THE COURT: No. I was talking to her. So I guess  
11 we're waiting for it to show up on the witness's screen?

12 MS. MATZ: Yeah. Could we actually side bar? I just  
13 have one quick question with counsel.

14 (Whereupon, a bench conference was held between the  
15 Court and counsel.)

16 MS. MATZ: So a lot of these videos have actually  
17 been authenticated by requests for admission and were  
18 admitted, so I guess I just wanted to know how you would like  
19 me to handle -- would like me to put requests for admission  
20 into evidence.

21 THE COURT: I would just simply just say, you know,  
22 like, your Honor, we're about to use a video.

23 MS. MATZ: Yeah.

24 THE COURT: Your Honor, we've already stipulated that  
25 it's --

1 MS. IZMAYLOVA: I object it's to foundation.

2 THE COURT: You're not --

3 MS. IZMAYLOVA: No.

4 THE COURT: Well, then --

5 MS. IZMAYLOVA: She's already admitted that she --

6 THE COURT: Just say, your Honor, exhibit whatever is  
7 a video. The parties have agreed that foundation is proper,  
8 that the video is admissible without further foundational  
9 evidence. And if I hear no objection, I'll say you can  
10 publish the video or I'll admit it or even if you want to play  
11 it, it's got to be tendered. You're tendering the exhibit.  
12 So the same thing, I guess, you're agreeing to it being  
13 admitted to.

14 MS. IZMAYLOVA: Correct.

15 MS. MATZ: Yeah, there's only a couple where there  
16 might be for impeachment only, but that's not going to be this  
17 one or the next one. Maybe we can talk about -- the only  
18 question I had about that is how you handle it in terms of  
19 like showing the jury or not showing the jury if only being  
20 offered for impeachment because usually impeachment evidence  
21 doesn't move in but the jury can hear it. I just wanted to  
22 raise that before I get too far into my questioning.

23 THE COURT: If the video is going to be played for  
24 the jury to see, it still has to be admitted into evidence for  
25 impeachment purposes. So I don't agree with that. It still

1 is admitted for impeachment, just wouldn't be admitted with  
2 the case in chief unless you have to use it for impeachment.  
3 Then it comes in because the jury could decide what -- what  
4 did the video say? Was she really impeached? That can't go  
5 back unless admitted. It's the impeachment that makes it  
6 admissible, not that it's not admitted. It's still admitted  
7 like any other document. Same reason.

8 MS. MATZ: You're a hundred percent right. I  
9 apologize. I misspoke. My thinking was the document --  
10 oftentimes the witness looks and then they're impeached. Then  
11 the Court let's you move it in. Is she going to view the  
12 piece first?

13 THE COURT: You would ask her, I suppose, did you say  
14 something and she would say, no, I didn't. And then at that  
15 point in time you lay the foundation of the video, and if it's  
16 stipulated the foundation, then you move it into evidence for  
17 purposes of impeachment. And I would grant the motion and  
18 then it would be shown.

19 MS. IZMAYLOVA: Stipulate to videos as far as  
20 foundation is concerned, I'm not sure which -- I don't know  
21 what you're referring --

22 MS. MATZ: I don't think it's -- I do think it was  
23 the majority of them, and it's not going to come up right now.  
24 So we can deal --

25 (Whereupon, the following proceedings continued in

1 open court.)

2 BY MS. MATZ:

3 Q Before this starts, is September of 2018 the first time  
4 you ever published a video about my client, Cardi B?

5 A No, ma'am.

6 Q Okay. So what your attorney just said in his opening  
7 statement, that that was the first time, was not true;  
8 correct?

9 A I'm sorry. I couldn't hear you.

10 Q So what your attorney just said about September of 2018  
11 being the first time you ever published a video about my  
12 client, that's not true?

13 MR. SABBAK: Objection, your Honor. It's a  
14 misstatement of fact.

15 THE COURT: It's what?

16 MR. SABBAK: Misstatement of the fact.

17 THE COURT: Objection is overruled. The question?  
18 Go ahead.

19 THE WITNESS: That is not correct, no, ma'am.

20 BY MS. MATZ:

21 Q No, it's not the first time you've ever published a video  
22 about my client; correct?

23 A No.

24 Q Okay. Do you recall the approximate time frame of the  
25 first time you ever published a video about my client?

1 A No, ma'am.

2 Q Okay. All right. We are going to show you -- excuse me.  
3 Strike that. I'll withdraw. Was the interview with Starmarie  
4 Jones -- it wasn't the first time that you published a video  
5 saying that my client prostituted; correct?

6 A No, ma'am, it was not.

7 Q I'm sorry. I'm having trouble hearing you.

8 A Sorry. No, ma'am, it was not.

9 Q Okay. If we can look at -- I'm going to show you what's  
10 been premarked as Exhibit 532. Your Honor, this was  
11 stipulated to as in Request for Admission No. 15.

12 THE COURT: No objection?

13 MS. IZMAYLOVA: No objection.

14 THE COURT: All right. 532 is tendered and admitted  
15 without objection.

16 (Whereupon, Plaintiff's Exhibit 532 was marked for  
17 purposes of identification and admitted into evidence.)

18 MS. MATZ: And before the video plays I'd like to  
19 just read one other statement from the request for admission  
20 and that is on -- excuse me, not the request for admission --  
21 the stipulated facts and that is on September 2nd of 2018 the  
22 defendants published the video on YouTube.

23 Okay. If we can, please look at approximately 5  
24 minutes and 50 seconds into the video. Maybe start like 10  
25 seconds before that.

1           Your Honor, would you want to -- I'm sorry. It looks  
2 like we're having a couple technical difficulties trying to  
3 get the video cued up. Were you planning on taking a restroom  
4 break anytime soon because I don't want to waste anybody's  
5 time.

6           THE COURT: I really wasn't planning on doing it so  
7 quickly, but I will.

8           MS. MATZ: I just don't want to --

9           THE COURT: All right. We'll go ahead and take just  
10 a ten-minute recess and come back, and maybe our technology  
11 will cooperate. Ladies and gentlemen, if you want to go  
12 downstairs to the concession, then feel free to do that, but  
13 be back in approximately 10 minutes. Now, one thing I didn't  
14 tell you yesterday you may have discovered already, that there  
15 is a refrigerator here for you to use. So you can bring stuff  
16 with you if you'd like to, but in the meantime if someone  
17 wants to run downstairs a few minutes, that's fine. We'll see  
18 you in about ten minutes.

19           COURTROOM SECURITY OFFICER: All rise.

20           THE WITNESS: Am I excused?

21           (Whereupon, the jurors exited the courtroom.)

22           THE COURT: Just a couple of things, one alluded to  
23 yesterday, if you haven't supplied us with your requests to  
24 charge, we need those. Really we were supposed to have them  
25 yesterday, but you need to go ahead and send those to us if

1 you haven't. And y'all have got to get your technology  
2 together. I mean, we can't -- this has got to be seamless if  
3 we're going to have any chance to try this case without, you  
4 know, problems down the road. But I'll trust y'all will be  
5 able to do that, but let's get our act together, if we can,  
6 technology wise. All right. We'll take a ten-minute recess.

7 MS. MATZ: Thank you, your Honor.

8 (Brief recess.)

9 THE COURT: All right. Go ahead, ma'am.

10 MS. MATZ: Thank you, your Honor. All right. So  
11 we're going to -- Ms. Kebe, we're going to play you a portion  
12 of Plaintiff's 532 moved into evidence starting at  
13 approximately 5 minutes and 40 seconds.

14 (Whereupon, a video recording was played.)

15 BY MS. MATZ:

16 Q Thank you. In this video you just said that my client  
17 prostituted for a living; correct?

18 A Yes, ma'am.

19 Q And that's not the only time that you have made that  
20 statement in videos that were published on the internet;  
21 correct?

22 A No, ma'am, it's not.

23 Q Okay. That statement was also made -- contained in the  
24 September 19th, 2018, video; is that correct?

25 A Which video are you referencing, please?

1 Q The interview with Starmarie Jones. Was that --

2 A No, ma'am, not in that particular video.

3 Q Hold on. I will rephrase the question. Was the statement  
4 that my client was a prostitute also contained in the  
5 interview with Starmarie Jones?

6 A Yes, ma'am.

7 Q All right. And isn't it true that you found out about  
8 Starmarie Jones through another blogger called Lovely TI?

9 A Yes, ma'am.

10 Q And you called Lovely TI and then reached out to  
11 Starmarie; is that correct?

12 A Yes, ma'am.

13 Q Okay. And isn't it true that you also admitted during  
14 your deposition that your fans were not actually asking you to  
15 do this video?

16 A I don't recall what exactly you're saying. Could you give  
17 me more context, please.

18 Q Why don't we take a look at your deposition transcript.

19 MS. MATZ: Your Honor, may I approach?

20 THE COURT: You may. So when you approach the  
21 witness, put your mask on, please. Sorry.

22 BY MS. MATZ:

23 Q All right. Isn't it true that you had heard about  
24 Starmarie through a video that she had previously published?

25 A Yes, ma'am.



1 Q Okay. And then you testified that no one asked you to do  
2 the video of her; is that correct?

3 A I don't recall my exact statement.

4 Q Please take a look at page 188 -- excuse me -- page 189.

5 A Okay.

6 Q Can you please read lines 2 through 6 into the record.

7 A Did you have people reaching out to you at that point  
8 asking you if you would do an interview of her? Were your  
9 fans asking for that? No, nobody asked me to.

10 Q Thank you. All right. And based on the content of the  
11 prior video that you had seen of Starmarie Jones, you knew  
12 that Starmarie Jones was saying that my client, Cardi B, was a  
13 prostitute, had used cocaine, and had herpes; isn't that true?

14 MR. SABBAK: Objection, your Honor. That's a  
15 compound question.

16 THE COURT: Why don't you break it in parts if you  
17 would.

18 BY MS. MATZ:

19 Q Sure. Based on the content of the prior video that you  
20 saw of Starmarie Jones, isn't it true that you knew that Jones  
21 was saying that my client, Cardi B, was a prostitute?

22 A I don't remember her saying that she was a prostitute. I  
23 remember other statements.

24 Q If we could please look at page 189 of your deposition  
25 transcript.

1 A Okay.

2 Q You were asked -- isn't it true that you were asked,  
3 starting on line 21, you knew, based on the content of the  
4 original Jones video, that Jones was alleging that our client  
5 was a prostitute; right? Answer, yes.

6 Did you give that testimony?

7 A Yes, ma'am.

8 Q Okay. And by Jones that we were discussing during this  
9 deposition, we're talking about Starmarie Jones; correct?

10 A Yes, ma'am.

11 Q All right. And it's also true that you knew that Jones  
12 was making statements that our client was using illegal drugs,  
13 like cocaine; isn't that correct?

14 A Yes, ma'am.

15 Q Okay. And you also knew that Jones was saying my client  
16 had herpes; correct?

17 A Cold sores to be exact.

18 Q Ms. Kebe, I'm going to refer you to your deposition  
19 transcript, page 190, line 9, beginning at line 9. Okay. And  
20 you knew that our -- that Jones was alleging that our client  
21 had herpes? Answer, yes.

22 Is that the testimony you gave?

23 A Yes, ma'am.

24 Q Thank you. And isn't it also true that when you decided  
25 to interview her, you decided to interview her about those

1 topics?

2 A Yes, ma'am.

3 Q Isn't it also true that the Starmarie Jones' video was  
4 prerecorded?

5 A Yes, ma'am.

6 Q So you knew all of the content that was going to be in the  
7 video you posted to the internet before you posted it;  
8 correct?

9 A Yes, ma'am.

10 Q Okay. Do you recall testifying that one of the things you  
11 wanted to do was drop this video before anyone debunked it?

12 A Yes, ma'am.

13 Q And you also recall testifying that you wanted to get it  
14 out before someone else dropped information that might have  
15 contradicted the video; correct?

16 A I don't remember the context. I can't recall. Could you  
17 add more context to that, please?

18 Q I'm asking if you recall giving that testimony in this  
19 case during your deposition.

20 A I don't recall.

21 Q Okay. If you can, please look at your transcript, page  
22 281. I'm going to begin at line 10.

23 A You said line 10?

24 Q Uh-huh. Actually, I'm going to begin at line 5. You were  
25 asked, okay, and do you also recall that one of the things you

1 said was that you wanted --

2 MR. SABBAK: Your Honor, objection. This is improper  
3 impeachment. The witness said she did not recall.

4 THE COURT: I think she just asked her to look at the  
5 transcript; right? So what's improper about the question?

6 MR. SABBAK: She should refresh her recollection, not  
7 read it into the record.

8 THE COURT: She asked her if she knew. She said she  
9 couldn't recall, and so now she's asking her to look at what  
10 she's testified previously.

11 MR. SABBAK: She's just reading the statement into  
12 the record.

13 THE COURT: Objection is overruled.

14 MR. SABBAK: Okay.

15 THE COURT: Thank you.

16 BY MS. MATZ:

17 Q Beginning at line 5. Okay. And do you also recall that  
18 one of the things that you said was that you wanted to drop it  
19 before anyone debunked it? Answer, yes, of course, I wanted  
20 to get it out if someone was going to debunk it, so yes.  
21 Question, okay, so you wanted to get it out before somebody  
22 else dropped information that might have contradicted the  
23 video? Answer, yes, absolutely.

24 Did you give that testimony?

25 A Yes, ma'am.

1 Q Do you recall giving testimony that one of the reasons you  
2 wanted to drop it first was in order to get ratings?

3 A Yes, ma'am.

4 Q And that your decision to publish it had more to do with  
5 the fact that you wanted to make money off of it and get the  
6 most ratings; correct?

7 A Yes, ma'am.

8 Q All right. If we can please pull up plaintiff's 534.  
9 It's a video. And, your Honor, I'll represent that this has  
10 been stipulated by Request for Admission No. 19.

11 THE COURT: What was the number again?

12 MS. MATZ: The number of the exhibit or the number of  
13 the request for admission?

14 THE COURT: The request to admit -- I'm sorry. The  
15 exhibit number.

16 MS. MATZ: The exhibit is Plaintiff's 534, your  
17 Honor.

18 THE COURT: All right. Hearing no objection, 534 is  
19 admitted.

20 MS. MATZ: Thank you, your Honor.

21 (Whereupon, Plaintiff's Exhibit 534 was marked for  
22 purposes of identification and admitted into evidence.)

23 MS. MATZ: Okay. We're going to start this one from  
24 the beginning.

25 (Whereupon, a video recording was played.)

1 BY MS. MATZ:

2 Q All right. If we can stop this for a moment. This is a  
3 video of the interview, your interview, with Starmarie Jones;  
4 correct?

5 A Yes, ma'am.

6 Q Okay. And is this -- it's true that this is not usually  
7 the format of your unWinewithTashaK videos; correct?

8 A I have many formats.

9 Q Okay. But is it typical for you to prerecord videos?

10 A Yes, ma'am.

11 Q It's typical for you to prerecord interviews with third  
12 parties?

13 A Yes, ma'am.

14 Q Okay. All right. You started this video. We just saw  
15 you start this video with three questions; correct?

16 A Yes, ma'am.

17 Q Okay. And you asked -- you asked Ms. Jones, you said,  
18 that Cardi B prostituted? And Jones said yes; right?

19 A Yes, ma'am.

20 Q You then said, was she a drug user? Ms. Jones said, yes,  
21 cocaine to be specific; correct?

22 A Yes, ma'am.

23 Q And then you asked, she has herpes? And Jones said, yes.  
24 Correct?

25 A Yes, ma'am.

1 Q Okay. Do you recall giving testimony that you  
2 intentionally started the video with those three questions?

3 A I don't recall that testimony. Could you remind me.

4 Q Okay. If we could look at page 209 of your deposition  
5 transcript beginning at line 8. The question was, okay, why  
6 did you start the interview with those three questions?  
7 Answer, because those are the three things that Starmarie had  
8 stated in her previous live testimony that went viral.

9 Did you give that testimony?

10 A What line are you on again? I'm sorry.

11 Q Sure. I started at line 8 on page 209.

12 A Yes, ma'am.

13 Q Isn't it true that you started the video also with those  
14 three questions because of the testimony you gave, that you  
15 confirmed you gave earlier, that you wanted the video to get  
16 the most ratings; correct?

17 A No, ma'am. That is not correct.

18 Q When you interviewed Starmarie Jones before you published  
19 this video on the internet, isn't it true that you teased it  
20 on social media?

21 A Could you state that question again.

22 Q Do you need it repeated or restated?

23 A Repeated. Sorry.

24 Q Sure. I said, isn't it true that before you published the  
25 video online you teased the video on social media?

1 A Yes, ma'am. That's our standard.

2 Q I'm sorry. I didn't hear it.

3 A That's our standard, our company standard.

4 Q Okay. And the purpose of teasing the video is to get  
5 viewers excited to watch it so that when it's released, it  
6 will have more views; correct?

7 A We preview the content. We can't tell if someone is going  
8 to watch it or not, but we preview and it gives them an  
9 option.

10 THE COURT: The question was the purpose. What's the  
11 purpose that you do that?

12 THE WITNESS: To preview the content.

13 THE COURT: What's the purpose that you preview?

14 THE WITNESS: So that our viewers know what's coming.

15 THE COURT: And what's the purpose of that?

16 THE WITNESS: So that people can view it.

17 THE COURT: Okay.

18 BY MS. MATZ:

19 Q Thank you. All right. If we could pull up Plaintiff's  
20 314 for a moment. Is this a true and accurate copy of a post  
21 that you posted on Instagram on September 18th of 2018?

22 A Yes, ma'am.

23 MS. MATZ: Your Honor, I'd offer this into evidence.

24 THE COURT: Any objection?

25 MR. SABBAK: No objection.



1 THE COURT: P-314 is admitted without objection.

2 MS. MATZ: Thank you, your Honor.

3 (Whereupon, Plaintiff's Exhibit 314 was marked for  
4 purposes of identification and admitted into evidence.)

5 BY MS. MATZ:

6 Q In this post you say, Winos #cardib in the comments of my  
7 Instagram going the fuck over my interview with her  
8 ex-roommate. Do you see that?

9 A Yes, ma'am.

10 Q Okay. And were you letting people know that Cardi B had  
11 been in your comments talking about one of the teasers of the  
12 interview?

13 A Yes, ma'am.

14 Q Okay. And did you hashtag her in this post so that when  
15 people searched the hashtag, they would find the post?

16 A Yes, ma'am. It's right there.

17 Q I'm sorry. I didn't hear the last part.

18 A It's right there, the hashtag Cardi B.

19 Q Okay. And in the side window next to it you wrote,  
20 @iamcardib. Do you see that?

21 A Yes, ma'am.

22 Q And your understanding is that's my client's Instagram  
23 handle; correct?

24 A Yes, ma'am.

25 Q Okay. And you said, vs @iamlovedstarmarie13. Do you see

1 that?

2 A Yes, ma'am.

3 Q And is that Starmarie's Instagram handle?

4 A It was at the time, yes, ma'am.

5 Q And then you said in this, I gotta to tell you, this is by  
6 far the best interview I've ever done. The ex-roommate went  
7 the fuck in. Do you see that?

8 A Yes, ma'am.

9 Q Okay. And then there are some more hashtags below this,  
10 including another one for Cardi B. Do you see that?

11 A Yes, ma'am.

12 Q Was one of the purposes of posting this to promote the  
13 fact that you had a video coming out and that my client was  
14 engaging with it?

15 A Yes, ma'am.

16 Q All right. If we can pull up Plaintiff's 61 for a moment.

17 Is this a copy of the -- a screenshot of what the  
18 video would look like on your YouTube channel?

19 A Yes, ma'am.

20 MS. MATZ: Okay. Your Honor, I'd offer this into  
21 evidence.

22 THE COURT: I'm sorry. So Exhibit 61?

23 MS. MATZ: Yeah, P-61.

24 THE COURT: Any objection?

25 MR. SABBAK: No objection.

1 THE COURT: 61 is admitted without objection.

2 (Whereupon, Plaintiff's Exhibit 61 was marked for  
3 purposes of identification and admitted into evidence.)

4 BY MS. MATZ:

5 Q Now, as you can see on this, this was captured on  
6 January 3rd of 2019. Do you see that?

7 A Yes, ma'am.

8 Q And this was how people would view the Starmarie Jones  
9 video that we just saw a portion of; correct?

10 A Yes, ma'am.

11 Q Okay. And underneath the title -- well, before the title  
12 of the video on the mid left-hand side there's #unwined  
13 #cardib and #exclusive. Do you see that?

14 A Yes, ma'am.

15 Q And do you -- isn't it true you put those hashtags there  
16 to again -- so that when people were searching the internet  
17 for hashtags for my client, that they would find the videos?

18 A Yes, ma'am.

19 Q Okay. And below the title of the video it says, 2,777,669  
20 views. Do you see that?

21 A Yes, ma'am.

22 Q Is that the way YouTube indicates the number of views as  
23 of a particular date for a video?

24 A Yes, ma'am.

25 Q So as of this date, that video had been viewed more than

1 2.7 million times; correct?

2 A Yes, of that date.

3 Q And since then, it's gotten even more views; correct?

4 A Yes, ma'am.

5 Q It's well over 3 million; correct?

6 A I think 4.8 to be exact, million.

7 Q Okay. And then underneath at the very bottom left after  
8 underneath with -- unWinewithTashaK under Published on  
9 September 19, 2018, you have more hashtags. Do you see that?

10 A Yes, ma'am.

11 Q Okay. And is the purpose of repeatedly hashtagging my  
12 client and words like exclusive and trending to ensure that  
13 your video gets picked up in searches?

14 A That's not a repeat. Those are the actual hashtags.  
15 Those are the same ones that are in the description box. So  
16 what happens is when you put things in the description box  
17 under the unWinewithTashaK where it says Published, only three  
18 of them show at the top, so that's just a repeat. I didn't  
19 write those twice.

20 Q Okay. And then underneath that there's a link that says  
21 [https teespring.com](https://teespring.com). And it looks like it then says backslash  
22 nowigottago. Do you see that?

23 A Yes, ma'am.

24 Q Nowigottago is a common way that you sign off from videos;  
25 correct?

1 A Yes, ma'am.

2 Q And it's in hashtags in lots of your posts and videos on  
3 various social media platforms?

4 A Yes, ma'am.

5 Q And do you kind of consider it a signature of yours?

6 A Yes, ma'am.

7 Q Okay. Is this link for teespring.com going to a  
8 merchandise page for nowigottago merchandise?

9 A Yes, ma'am, t-shirts to be exact.

10 Q Okay. So you were also promoting the sale of your goods  
11 in the link where you're promoting the video; correct?

12 A Yes, ma'am. The link is in all of our videos.

13 Q All right. Before you published this video you admit that  
14 Starmarie Jones had told you that she had criminal charges  
15 against her in the past; correct?

16 A No. No, ma'am.

17 Q Before you published this video online she hadn't told you  
18 that she was on parole?

19 A She told me in the interview.

20 Q But that was before you published it; right? Because it  
21 was recorded?

22 A I got confused with the question. I apologize.

23 Q So before you published the video on YouTube you  
24 acknowledge that Starmarie Jones had told you that she had  
25 criminal charges in her past; correct?

1 A She was on probation, yes, ma'am.

2 THE COURT: I'm sorry. So what's the answer to the  
3 question?

4 THE WITNESS: Yes. Yes, sir. Your Honor. I'm  
5 sorry.

6 THE COURT: Answer the question that's asked and not  
7 a question that's not asked. Okay?

8 THE WITNESS: Yes, your Honor.

9 THE COURT: Thank you.

10 BY MS. MATZ:

11 Q Okay. I'm sorry. You just said she was on probation.  
12 Isn't it true she told you she was on parole and was supposed  
13 to be in Georgia?

14 A I spoke too soon probation, parole.

15 Q Okay. And in the video she's actually told you on camera  
16 that during the time period she was describing having  
17 interactions with my client, that she was in New York despite  
18 the fact that she was not supposed to leave the state of  
19 Georgia; correct?

20 A Yes, ma'am.

21 Q Okay. And you testified that it was your understanding,  
22 based on those conversations, that she was in New York legally  
23 to acquire money to pay for her legal fees back in Atlanta;  
24 correct?

25 A Yes, ma'am.

1 Q Isn't it true that you also testified that you thought  
2 that Starmarie had mental problems?

3 A Yes, ma'am.

4 Q And you also admitted that Ms. Jones, Starmarie Jones, did  
5 not actually show you any documents or anything that  
6 corroborated her story; correct?

7 A Yes, ma'am.

8 Q You also admitted that you never saw any medical records  
9 of my client before the interview aired; correct?

10 A Yes, ma'am.

11 Q All right. After you posted the September 19th video, you  
12 received a cease and desist letter; is that correct?

13 A Yes, ma'am.

14 Q Okay. I'm just going to read three stipulated facts:  
15 Plaintiff's prior counsel sent a letter dated September 19th,  
16 2018. Kebe received the September 19, 2018 letter, and Kebe  
17 did not remove the September 19th, 2018 video.

18 All right. If we could please pull up Plaintiff's  
19 517. I'm showing you what's previously been marked as  
20 Plaintiff's 517. Is this a copy of the cease and desist  
21 letter that you received?

22 A Yes, ma'am.

23 Q Okay. All right. Following receipt of that letter, did  
24 you post that letter online, on the internet?

25 A Yes, ma'am.

1 Q Okay. If we can please pull up --

2 THE COURT: Do you intend to tender 517?

3 MS. MATZ: Yes. I'm sorry, your Honor. I'd move it  
4 into evidence.

5 THE COURT: Any objection?

6 MR. SABBAK: No objection, your Honor.

7 THE COURT: 517 is admitted without objection.

8 (Whereupon, Plaintiff's Exhibit 517 was marked for  
9 purposes of identification and admitted into evidence.)

10 BY MS. MATZ:

11 Q Okay. If we can please pull up Plaintiff's 317. Have you  
12 ever seen this document before?

13 A Yes, ma'am.

14 Q Okay. And that's your Instagram handle at the top there;  
15 correct?

16 A Yes, ma'am, it was.

17 Q And you posted this photo and the text directly beneath it  
18 on Instagram; correct?

19 A Yes, ma'am.

20 MS. MATZ: Okay. Your Honor, I'd offer this exhibit  
21 into evidence.

22 MR. SABBAK: Your Honor, objection. It contains  
23 hearsay within the document.

24 THE COURT: I'm sorry. The document that your client  
25 posted is hearsay?



1           MR. SABBAK: The comments underneath, from somebody  
2 else, your Honor.

3           THE COURT: But this is your client's document;  
4 right?

5           MR. SABBAK: This is a screenshot that the plaintiff  
6 got from the internet of my client's post, but underneath  
7 there are random people who we're not sure who they are that  
8 had their own opinions about whatever. So it's -- that's  
9 showing.

10          THE COURT: It's not hearsay that your client posted  
11 it; right?

12          MR. SABBAK: No. The client's post is not hearsay,  
13 but comments by unidentified individuals are.

14          THE COURT: Well, the Court admits the screenshot for  
15 what it is, an Instagram post that your client put on the  
16 internet. You're arguing that the comments that she posted  
17 are hearsay --

18          MR. SABBAK: Not the --

19          THE COURT: Excuse me?

20          MR. SABBAK: Not the comments she posted, your Honor,  
21 the comments other Twitter followers posted.

22          THE COURT: You're arguing that the comments that are  
23 included within your client's post are hearsay. The document  
24 is admitted because it is a document -- screenshot of a  
25 document that your client posted on the internet, so it's

1 admitted for that purpose only. Thank you.

2 So I'm sorry. This is 317?

3 MS. MATZ: Yes, your Honor, Plaintiff's 317.

4 THE COURT: 317 is admitted over objection.

5 (Whereupon, Plaintiff's Exhibit 317 was marked for  
6 purposes of identification and admitted into evidence.)

7 BY MS. MATZ:

8 Q And, Ms. Kebe, this is a -- at the top of the page that's  
9 a photo of the cut off cease and desist letter we were just  
10 looking at; correct?

11 A Yes, ma'am.

12 Q Okay. And then underneath that, after it says 1,016  
13 likes, it says unwinewithtasha in bold. Do you see that?

14 A Yes, ma'am.

15 Q And that's the text that you actually wrote and posted;  
16 correct?

17 A Yes, ma'am.

18 Q Okay. And you wrote -- you tagged my client first;  
19 correct?

20 A Yes, ma'am.

21 Q Okay. And you said, iamcardib I told you once and I'm  
22 gonna to tell you again, you need to check  
23 @iamlovedstarmariel13. Why the fuck are you sending me a cease  
24 and desist? You're a clown.

25 Do you see that?

1 A Yes, ma'am.

2 Q Okay. And then you also said, tell your lawyer, as I had  
3 my team do in an email, that I'm gonna wipe my fucking ass  
4 with this piece of paper. Do you see that?

5 A Yes, ma'am.

6 Q Okay. And then you followed that up with saying, I'm a  
7 grown woman. Do you see that?

8 A Yes, ma'am.

9 Q Okay. And then you say, if you have yet to send your  
10 lawyers after her and come after me.

11 Do you see that?

12 A Yes, ma'am.

13 Q Okay. And isn't it true that you were saying that to  
14 encourage my client to go talk to Starmarie Jones if she had a  
15 problem? Correct?

16 A Yes, ma'am.

17 Q And then at the bottom again you hashtagged my client by  
18 putting #cardib. Do you see that?

19 A Yes, ma'am.

20 Q And that's so that when people searching Instagram  
21 specifically looked for my client, this would come up;  
22 correct?

23 A Yes, ma'am.

24 Q All right. And that helps drive people to your Instagram  
25 and your YouTube channel, your platform in general; correct?

1 A Yes, ma'am.

2 Q Okay. After you sent this -- after you posted this, you  
3 didn't take the video down; correct?

4 A No, ma'am.

5 Q And you actually kept promoting it; right?

6 A Yes, ma'am.

7 Q All right. If we could please pull up Plaintiff's 312.  
8 Is this a copy of an Instagram post that you posted on your  
9 Instagram channel?

10 A Yes, ma'am.

11 Q And you posted this on 9-20; correct?

12 A It doesn't have a date on it.

13 Q Do you see the date at the top left-hand corner of the  
14 page, 9-24-18?

15 A Okay. Yes, ma'am.

16 Q At the bottom right it says posted 4 days ago. Do you see  
17 that?

18 A Yes, ma'am.

19 Q Okay. So would that refresh your recollection that you  
20 posted this on September 20th?

21 A Yes, ma'am.

22 Q Okay. All right. And that's the day after you received  
23 the cease and desist and posted it on the internet; correct?

24 A I don't have the exact date of the cease and desist.

25 Q The letter we were looking at was just dated September 19;

1 right?

2 A May I see the date?

3 Q Sure. We can pull it up again. Can we please pull up  
4 Plaintiff's 517. Does this refresh your recollection when you  
5 received the cease and desist letter?

6 A Yes, ma'am.

7 Q Okay. So the promotion that we just saw -- and if we  
8 could go back to Plaintiff's 312, please. So this was the day  
9 after you received the cease and desist letter; correct?

10 A Yes, ma'am. The 20th, yes, ma'am.

11 MS. MATZ: Okay. Your Honor, I'd offer Plaintiff's  
12 312 into evidence.

13 MR. SABBAK: Your Honor, defense objects, and again  
14 this document contains inadmissible hearsay.

15 THE COURT: The Court admits 312 over objection and  
16 states that 312 is admitted for what it is, which is a post on  
17 the defendant's Instagram account. I may not have  
18 specifically said as it relates to 317 or 312, which is this  
19 particular document, the jury should ignore any comments that  
20 are made that are not attributable to the defendant herself.  
21 So it's admitted.

22 (Whereupon, Plaintiff's Exhibit 312 was marked for  
23 purposes of identification and admitted into evidence.)

24 BY MS. MATZ:

25 Q Okay. Ms. Kebe, in this exhibit what we're seeing on the

1 left is actually a screenshot of your YouTube; is that  
2 correct?

3 A Yes, ma'am.

4 Q Okay. And at the lower left-hand corner, that has your  
5 YouTube channel title; correct?

6 A Yes, ma'am.

7 Q So somebody who found this post on Instagram could very  
8 easily find your YouTube channel; correct?

9 A Sometimes.

10 Q But the purpose of screenshotting it with that included is  
11 so they were able to find your YouTube channel; correct?

12 A Yes, ma'am.

13 Q And in the portion of this exhibit to the right this --  
14 where after it says unwinewithtasha in bold, that's the  
15 portion you actually -- the first part of that, that's the  
16 portion you wrote; correct?

17 A Where it says New Video Alert?

18 Q Yes, where it says New Video Alert down to the #StarMarie;  
19 correct?

20 A Yes, ma'am.

21 Q So that's the portion that you wrote and published?

22 A Yes, ma'am.

23 Q Okay. And in this you said New Video Alert, Link in BIO  
24 or visit unWinewithTashaK.com. Do you see that?

25 A Yes, ma'am.

1 Q Okay. And Link in BIO means that if they go to your  
2 Instagram page, they will actually find a link there that  
3 leads to your website; correct?

4 A That is correct.

5 Q Okay. And that was so that people who saw this and wanted  
6 to see it easily could very easily just click on the link in  
7 your bio in your Instagram and go to this video; correct?

8 A That is correct.

9 Q Okay. And then you also said here, grab your -- and then  
10 there are some symbols. Can you tell me what those symbols  
11 are?

12 A I believe one is a wine glass, and the other is someone  
13 running. And I'm not sure what that other sign is. I haven't  
14 used that sign before then. Sometimes when Instagram changes  
15 or iPhone or Samsung changes, emojis, they show up different,  
16 so I'm not sure what that one is.

17 Q Okay. But you were kind of intending to say grab your  
18 wine; right?

19 A Yes, ma'am.

20 Q Okay. And that's one of your signatures in your channel,  
21 is that while you are delivering videos you're typically  
22 having a glass of wine; correct?

23 A Yes, ma'am.

24 Q Okay. And you encourage your viewers to do the same  
25 thing; correct?

1 A At their discretion.

2 Q Okay. So you said, grab your wine because this story is  
3 hellas funny. Hurry up. It's on the channel.

4 Do you see that?

5 A Yes, ma'am.

6 Q Okay. And so you were encouraging viewers to go to the  
7 channel?

8 A Yes, ma'am.

9 Q All right. And then I will also note that you again  
10 hashtagged my client twice in this post; correct?

11 A Yes, ma'am.

12 Q Is there any difference between those two hashtags and how  
13 a search would work in Instagram?

14 A No, just when we're detailing numbers as entertainment  
15 news sites, we all use hashtags just to search engine the name  
16 and the story.

17 Q Okay. All right. The day you published the original  
18 Starmarie Jones video -- excuse me -- the Starmarie Jones  
19 interview you also posted a second video later that day;  
20 right?

21 A I don't recall.

22 Q Okay. Could we please take a look at Plaintiff's 519.

23 And before we play this, your Honor, I will offer  
24 that this was stipulated to by Request for Admission No. 1,  
25 and I'd offer it into evidence.



1 MR. SABBAK: No objection, your Honor.

2 THE COURT: 519 is admitted without objection.

3 (Whereupon, Plaintiff's Exhibit 519 was marked for  
4 purposes of identification and admitted into evidence.)

5 MS. MATZ: Go ahead.

6 (Whereupon, a video recording was played.)

7 BY MS. MATZ:

8 Q All right. So in that video we just heard you refer to  
9 yourself as a journalist; correct?

10 A Yes, ma'am.

11 Q Isn't it true that you've given testimony in this case  
12 that you're not a journalist? Correct?

13 A Yes, ma'am.

14 Q And you've also admitted under oath at your deposition  
15 that when you have been telling your viewers that you get paid  
16 to be a journalist, that's not true; correct?

17 A I don't recall that statement. Can you remind me?

18 Q If we can please look at page 66 of your November 19th  
19 deposition, which is the one in front of you, you can start at  
20 line 7. When you have been telling your viewers that you get  
21 paid to be a journalist, that's not true; right? Answer, of  
22 course, because I'm not a journalist, no. So I'm not a  
23 graduated journalist, no.

24 A No, I have not graduated --

25 Q You gave that testimony; correct?

1 A Yes, ma'am.

2 Q Thank you. And in that video when you were talking about  
3 the video having gone viral before, you're referring to the  
4 video that Star Jones originally posted; right?

5 A Yes, ma'am.

6 Q Okay. But isn't it true also that you posted a video  
7 repeating those statements, and then, as we've just heard you  
8 testify, promoted it and encouraged people to view it;  
9 correct?

10 A Yes, ma'am.

11 Q Okay. You also said in that video that, if it's not true,  
12 it's, quote, straight fucking defamation; correct?

13 A Yes, ma'am.

14 Q Okay. And then you also said and you specifically made  
15 that statement with reference to if someone called you a coke  
16 head, said you had herpes or prostituted; correct?

17 A In that particular video?

18 Q Yes, in that video.

19 A Yes, ma'am.

20 Q Sorry. What was the answer?

21 A Yes, ma'am.

22 Q Okay. Thank you. And you also in that video told Cardi  
23 to handle that legally; correct?

24 A Yes, ma'am.

25 Q And to get her lawyers on it; right?

1 A Yes, ma'am.

2 Q Okay. And when you published this video, you were talking  
3 to Cardi; correct?

4 A Yes, ma'am. I was responding to her.

5 Q Okay. But this video was published after you had received  
6 a cease and desist letter to you; correct?

7 A So this video was published when? Is this what we're  
8 referencing right here in the video we just watched?

9 Q Uh-huh.

10 A So the cease and desist letter came on the 19th?

11 Q Correct.

12 A Which is the day after the video dropped. And this video,  
13 I think -- okay. I'm confused on the dates now.

14 Q Well, when you said she was coming for you, you were  
15 talking about the fact that you had just received a letter  
16 from her lawyer; right?

17 A No. She came for me before that letter. We were already  
18 going back and forth on Instagram.

19 Q Okay. So you wanted her lawyer to handle it. And then  
20 you did get a cease and desist letter at some point that day;  
21 right?

22 A If that -- we weren't -- it was a couple of days. So on  
23 the 19th, yes, we got the cease and desist letter.

24 Q And this video was published on the 19th. This was later  
25 the day you published the Starmarie video; correct?

1 A Yes, ma'am.

2 Q Okay. So at some point that day you did get the cease and  
3 desist letter?

4 A This? No, I -- can I correct her, your Honor? Can I  
5 correct her statement? Because this video right here, because  
6 I have on the same outfit that I had on when I did the  
7 interview, so, no, this was not published on the day that the  
8 interview dropped.

9 Q Well --

10 A So you have to give me the date to this video. Then I'll  
11 know. But I have on the same clothes that I had on because I  
12 did it that night after I published the trailer, and Cardi B  
13 got in the comments and was -- in my DMs and started  
14 addressing --

15 Q Okay. So your testimony is that this came out -- your  
16 testimony is that you published a trailer before you published  
17 the video and, the interview itself, and that Cardi got in the  
18 comments; correct?

19 A Yes, ma'am -- in my DM.

20 Q In your DM?

21 A Yes, not in my comments.

22 Q And that then you published the video after that, after  
23 she was already communicating with you telling this wasn't  
24 true?

25 A Yes, ma'am.

1 Q All right. So your testimony actually is my client also  
2 told you that the statements weren't true before you published  
3 the interview; correct?

4 A Yes, ma'am.

5 Q Okay. And that before you published the interview, if  
6 this video is before you published the interview, that you  
7 were already saying if it's not true, it's straight  
8 defamation; correct?

9 A Yes, ma'am.

10 Q Okay. Also in that video you make some reference to  
11 saying that Starmarie had an opinion; correct? Please answer  
12 the question yes or no.

13 A Yes, ma'am.

14 Q Okay. Thank you. All right. If we could please look at  
15 Plaintiff's 535. And before I offer this in I'd like to read  
16 a stipulated fact into the record: That on September 21st,  
17 2018, defendants published a video on YouTube.

18 And, your Honor, Plaintiff's 535 was admitted by  
19 Request for Admission No. 20.

20 MR. SABBAK: No objection, your Honor. Thank you.

21 THE COURT: 535 is admitted. Thank you.

22 MS. MATZ: Thank you, your Honor.

23 Okay. If we could please -- oh, actually -- all  
24 right. If we could please start the video at -- you know  
25 what, I'm sorry, your Honor. Can I confirm one thing really

1 quickly?

2 THE COURT: Yes.

3 MS. MATZ: Thank you.

4 (Whereupon, there was a brief pause and then a video  
5 recording was played.)

6 BY MS. MATZ:

7 Q All right. If we can pause here. So in the beginning of  
8 this video you are talking about showing receipts for the Star  
9 Jones interview; right?

10 A Yes, ma'am.

11 Q Okay. You already admitted earlier that Star didn't  
12 actually give you anything to corroborate what she said in the  
13 interview; correct?

14 A No, ma'am. Cardi.

15 Q I'm asking you if you testified that about Star Jones.

16 A No, ma'am.

17 Q Okay. And you also told your viewers that, if shit isn't  
18 together, you'd issue an apology; correct?

19 A That is correct.

20 Q And you're referring to the fact that if you had misstated  
21 something, you would intend to give an apology; correct?

22 A Within reason.

23 Q Okay. And then you said, but we're not giving any  
24 apologies; right?

25 A That is correct.

1 Q Okay. And it's correct that you have never apologized to  
2 my client publicly about the statements in the Starmarie  
3 video; correct?

4 A No, ma'am.

5 Q No, you have not; correct?

6 A No, ma'am. No, I haven't.

7 Q Okay. And then you repeated here that everything you  
8 said -- everything that Star said was accurate; correct?

9 A Yes, ma'am.

10 Q Okay. All right. If we can please -- actually, let me  
11 ask you this: Had you received additional information from  
12 between the time you posted the video of the original  
13 interview and this video?

14 A Had I received -- repeat the question. I'm sorry.

15 Q Sure. Had you received any additional information between  
16 the time you posted the Starmarie Jones interview and the time  
17 of this interview?

18 A Concerning what exactly?

19 Q Concerning the statements in Starmarie Jones's video.

20 A Yes. I received additional information.

21 Q Okay. And the additional information you're referring to  
22 is that you talked to some of my client's old co-workers;  
23 correct?

24 A Yes, ma'am.

25 Q Okay. And were you intending to convey to viewers that

1 because of this additional information you received, that you  
2 believed that everything that you published before was  
3 accurate?

4 A Yes, ma'am.

5 Q Okay. But you hadn't actually received anything to  
6 corroborate the statements that my client had herpes, that my  
7 client was a prostitute or that my client used cocaine;  
8 correct? Yes or no, please.

9 A I can't answer yes or no to that question because --

10 Q Do you recall giving that testimony in this case --

11 THE COURT: Hold on. Hold on. It's got to be one at  
12 a time.

13 THE WITNESS: Okay.

14 THE COURT: So she was still talking. Let her finish  
15 what she said. If you have an objection to the response, then  
16 make that objection. So the question was you hadn't received  
17 anything to verify those three allegations. And your answer  
18 was?

19 THE WITNESS: No. For that particular video, no.

20 MS. MATZ: Thank you. Okay. If we can look at time  
21 stamp 3:30.

22 THE COURT: What's the number again?

23 MS. MATZ: We're in Plaintiff --

24 THE COURT: Still in the video? Same video?

25 MS. MATZ: Yeah, same video. I'm just moving to a



1 different time code, your Honor.

2 THE COURT: All right.

3 (Whereupon, a video recording was played.)

4 BY MS. MATZ:

5 Q Can you pause. So the interview you're referring to in  
6 this clip was your interview with Starmarie when you said the  
7 interview was highly requested; correct?

8 A The interview, yes, ma'am.

9 Q So you were trying to convey to the people viewing your  
10 channel that it had been highly requested, that you'd do that  
11 interview; right?

12 A Yes, ma'am.

13 Q Okay. But you admitted earlier that no one actually  
14 reached out to you and asked you to do the video; correct?

15 A You mean in my testimony in my deposition?

16 Q Yes, in your testimony at your deposition.

17 A Yes, ma'am.

18 Q Okay. So what you said to your viewers is not actually  
19 true?

20 A It depends in what context because no one reached out to  
21 me personally, but the viewers were basically on the internet  
22 stating do the interview. But no one knows me personally  
23 because they're viewers.

24 Q Okay. So they weren't talking to you. They were just  
25 people on the internet?

1 A Yes, ma'am. They weren't talking to me directly. On  
2 Instagram or on Live people will like tag you and say, hey,  
3 @unWinewithTashaK -- it happens all the time because I'm a  
4 news reporter. And they'll want me to follow up on the story,  
5 so that's what I did. But if you're saying personally, no.  
6 No one called me or anything, no, ma'am.

7 Q But you believe that tagging you is a form of  
8 communication; correct?

9 A Yes, ma'am.

10 Q It comes to you; correct?

11 A Yes, ma'am.

12 Q And a tag, just to differentiate between the two, a tag is  
13 when you @ and then put the person's handle; correct?

14 A Yes, ma'am.

15 Q And then a hashtag is when you could hashtag -- put a  
16 hashtag and then a word; correct?

17 A Yes, ma'am.

18 Q And the first thing we talked about, the tag, that is a  
19 form of communication that brings it to that user's attention,  
20 whoever you tagged; right?

21 A It depends in what context.

22 Q But in the context of people tagging you, that came to  
23 your attention because they were tagging you. That's what you  
24 just said; correct?

25 A Because they used the @ sign. But a hashtag doesn't

1 personally contact anyone.

2 Q No, correct. That's what I'm asking. Does the @ symbol  
3 plus the person's handle, a tag -- let's differentiate between  
4 the two here. A tag contacts someone whereas a hashtag is  
5 just how something can turn up in the search results; right?

6 A Yes, ma'am.

7 MS. MATZ: Okay. Great. Thank you. All right. If  
8 we can move to Plaintiff's 585. Your Honor, I'd like this to  
9 just be shown to the deponent first for a moment.

10 THE COURT: Okay.

11 MS. MATZ: And, actually, if you don't mind, let me  
12 just ask opposing counsel one quick thing.

13 (Brief Pause.)

14 MS. MATZ: Thank you, your Honor. I just spoke with  
15 opposing counsel, and I'd offer this in by stipulation. It's  
16 actually a duplicate. There was a technical problem with the  
17 first video. This hasn't been part of the requests for  
18 admission, but opposing counsel had agreed and stipulated it.

19 THE COURT: And this is P-585?

20 MS. MATZ: That's correct.

21 MR. SABBAK: No objection.

22 THE COURT: 585 is admitted without objection.

23 (Whereupon, Plaintiff's Exhibit 585 was marked for  
24 purposes of identification and admitted into evidence.)

25 MS. MATZ: Okay. If we could please go to 725.

1 (Whereupon, a video recording was played.)

2 BY MS. MATZ:

3 Q If you can pause. All right. When we just heard you  
4 talking in this video, talking about that you were talking to  
5 Lovelyti. Is that Lovely TI? Is that correct?

6 A Yes. Yes, ma'am.

7 Q And that's the same person who you spoke with before you  
8 actually reached out to Starmarie; correct?

9 A Yes, ma'am, just asking her if she knew Starmarie when she  
10 uploaded the video.

11 Q Okay. And you said you talked to her a few times that  
12 weekend; right?

13 A Yes, ma'am.

14 Q All right. And you're talking about the weekend before  
15 you did the interview; is that correct?

16 A I talked to her twice, so once when she uploaded the  
17 original interview of Starmarie Jones making allegations and  
18 telling her story and then the second time after I had  
19 interviewed Starmarie because she informed me that she had  
20 received some information that counteracts what she was  
21 saying. And so that's when I spoke with her.

22 Q Okay. But that was before -- it was after you did the  
23 interview but before you published the video; correct?

24 A Yes, ma'am. That is correct.

25 Q All right. That's when you had this conversation with

1 Lovelyti; correct?

2 A Yes, ma'am.

3 Q Okay. And in that conversation you're saying that  
4 Lovelyti informed you that she had some information to -- I  
5 think the word you used was "counteract" what Starmarie Jones  
6 had said. Is that true?

7 A Yes, ma'am.

8 Q Okay. And do you recall giving deposition testimony in  
9 this case where you said, and so, Lovely TI stated, okay, I  
10 just wanted to make sure. Because I have receipts on her  
11 that's going to debunk some of the things. But I needed to  
12 know some of the things that she had said?

13 A Can I see that full conversation?

14 Q Sure.

15 A Thanks. What page?

16 Q It's actually a different transcript. Hold on one moment.

17 A Okay.

18 MS. MATZ: May I approach, your Honor?

19 THE COURT: You may.

20 THE WITNESS: So what date is this one?

21 BY MS. MATZ:

22 Q That's the 19th.

23 A The 19th. This is the 18th.

24 Q It's on the cover.

25 A Oh, okay. Sorry about that. Okay.

1 Q Perfectly fine. Okay. If you can please look at page 73,  
2 and I'll give you the line number. Line 19 through 23. Does  
3 that refresh your recollection that you gave the testimony I  
4 just read?

5 A Yes, ma'am.

6 Q Okay. All right. So after you recorded the video and  
7 before you published it, you became aware that there was at  
8 least some additional information that some of the things  
9 Starmarie was saying might not be true; right?

10 A Very vague. She didn't go into detail, but, yes, ma'am.

11 Q Okay. And do you recall talking about what you and Lovely  
12 TI did in terms of the release of your -- excuse me -- the  
13 publication of your interview and then her release of the  
14 information debunking it as a set up?

15 A Not as a set up.

16 Q You don't recall saying that in the video?

17 A I don't recall.

18 Q Okay. All right. If you could take a look at  
19 Exhibit 651.

20 THE COURT: So let's do this. Let's take a break  
21 because we've been going a little bit more than an hour and a  
22 half. We'll take a break until 4:00. We'll come back, and we  
23 will finish up with about another hour if that's enough.  
24 Okay. If the jury would go with the court security, we'll see  
25 you at 4:00 o'clock.

1 COURTROOM SECURITY OFFICER: All rise.

2 (Whereupon, the jurors exited the courtroom.)

3 THE COURT: All right. We'll take a recess until  
4 4:00 o'clock. Thank you.

5 MS. MATZ: Thank you, your Honor.

6 COURTROOM SECURITY OFFICER: Court stands in recess.

7 (Brief recess.)

8 COURTROOM SECURITY OFFICER: All rise. This  
9 honorable court is again in session. Please be seated and  
10 court come to order.

11 THE COURT: All right. Ms. Kebe, if you could come  
12 on back up, please.

13 MS. MATZ: Your Honor, is it okay if I move the mike  
14 a little bit so that it's closer to me?

15 THE COURT: As long as it still picks you up it  
16 doesn't matter.

17 COURTROOM SECURITY OFFICER: All rise.

18 (Whereupon, the jurors entered the courtroom.)

19 COURTROOM SECURITY OFFICER: Be seated and come to  
20 order.

21 MS. MATZ: May I inquire, your Honor?

22 THE COURT: Okay.

23 BY MS. MATZ:

24 Q Thank you. So I believe I had just asked you if you  
25 recall making a statement that Lovely TI would come in with

1 rebuttal, so it was like a whole motherfucking set up.

2 A That was just a part of the statement. That's not the  
3 whole statement.

4 Q Do you recall making a statement that includes that? Do  
5 you want me to read the whole thing in?

6 A Yes, ma'am.

7 Q Okay. So you recall saying, that interview was just kind  
8 of something -- I was like, well, shit. The shit is funny.  
9 Let me put her on my platform so Lovely TI will come in with a  
10 rebuttal. So it was like a whole motherfucking set up. I'm  
11 going to put the picture up. You tell her she's lying. It  
12 was perfect.

13 Do you recall saying that?

14 A Yes, ma'am.

15 Q Okay. And you said that in a video that you published on  
16 Instagram; correct?

17 A I don't know if it was on Instagram or YouTube.

18 Q But you published it on the internet?

19 A Yes, ma'am.

20 Q Okay.

21 THE COURT: Let me ask a question if I can. And I  
22 thought about this when it occurred, but you just never know  
23 what people might know. A question a juror mentioned  
24 somewhere, I guess in the hallway, that they didn't know what  
25 DM meant. So you might want to ask that that term be



1 designated or answered.

2 MS. MATZ: Absolutely. Why don't we cover that now.

3 Do you know what the term "DM" means?

4 THE WITNESS: Direct message. It's when someone  
5 messages you on social media, like Instagram. It's a private  
6 messaging center that's created.

7 BY MS. MATZ:

8 Q So it's like a text message, but it's through your  
9 Instagram account if it's on Instagram; correct?

10 A Yes and no. Text messages are more private and personal  
11 with people who have your number, but Instagram direct message  
12 is open to anyone. So anybody in the world can send you a  
13 message --

14 Q But it does --

15 A -- whatever.

16 Q It does go directly to you; correct?

17 A Yes, ma'am.

18 Q And then on Twitter the same thing, direct messages that  
19 users can send directly to you through the Twitter application  
20 would also be called a DM; is that right?

21 A Yes, ma'am.

22 Q And when you were saying they're more public, is part of  
23 what you're saying that somebody could just find your handle  
24 on Instagram and then send you a DM as opposed to a text  
25 message where you'd actually have to have their phone number

1 first?

2 A Yes, ma'am.

3 Q Okay. Great. All right. I believe we were looking at  
4 P-585. If we could cue that up to 8:12 approximately.

5 (Whereupon, a video recording was played.)

6 BY MS. MATZ:

7 Q All right. If you can pause. All right. So in this  
8 video you just said Star has shown me some stuff. Do you see  
9 that?

10 A Yes, ma'am.

11 Q Okay. But earlier you do recall testifying in this case  
12 that Star had not actually given you any corroborating  
13 documentation; correct?

14 A Yes, ma'am.

15 MS. MATZ: Okay. Go ahead. If you can keep playing  
16 it.

17 (Whereupon, a video recording was played.)

18 BY MS. MATZ:

19 Q All right. If we can pause this. Okay. When you're  
20 talking about receipts, are you talking about documentation?

21 A Yes, ma'am.

22 Q Okay. Do you receive -- isn't it true that part of what  
23 you receive in preparing stories sometimes are screenshots?

24 A What was the question? I'm sorry.

25 Q I said isn't it true that part of what you receive when

1 you're preparing stories sometimes are screenshots?

2 A Oh. Yes, ma'am. It's hard to hear you. Sorry.

3 THE COURT: I don't want to be presumptuous. So let  
4 me just have you go ahead and ask the witness what screenshots  
5 are.

6 MS. MATZ: Sure. Is a screenshot essentially a  
7 digital photograph of -- or purports to be a digital  
8 photograph of another document or something like that?

9 A No, ma'am. A screenshot is what you take, like if I post  
10 something on Instagram, I can screen it and save it -- so  
11 that's what a screenshot is -- on any social media platform.  
12 You could really do it on anything, phone calls, emails,  
13 whatever.

14 Q So it's like a photo?

15 A Yes. It's like a -- yes.

16 Q Okay. But you also recall acknowledging that screenshots  
17 can be photoshopped; correct?

18 A There are apps that -- you can't photoshop a screenshot.  
19 There are apps where people create actual fake-looking  
20 screenshots, so there's a difference.

21 Q Okay.

22 A Yes, ma'am.

23 MS. MATZ: Okay. If we could go to 14:05.

24 (Whereupon, a video recording was played.)

25 THE JUROR: Guys, are we supposed to be able to see

1 this right now?

2 THE COURT: The video? Is it not showing up on your  
3 screen?

4 THE JUROR: We don't have anything on our screen.

5 COURTROOM DEPUTY: It's been admitted.

6 THE COURT: It's been admitted.

7 MS. MATZ: Yeah. This was admitted.

8 THE COURT: I'm sorry. Why don't you back up at  
9 least to the start of this last clip.

10 MS. MATZ: Yeah.

11 THE WITNESS: Your Honor, can I get my water?

12 THE COURT: Sure.

13 THE WITNESS: My throat is dry.

14 MS. MATZ: I'm sorry. I didn't hear.

15 THE COURT: Hold on just a second.

16 THE WITNESS: My water. That's not mine. That's  
17 Sadeer's. Mine is right on that table where my husband is  
18 sitting. Thank you.

19 MS. MATZ: All right. Can you cue it up to 8:12. I  
20 believe that was where we started with this session.

21 (Whereupon, a video recording was played.)

22 MS. MATZ: All right. You can pause now. Okay.  
23 That was the first clip, and then why don't we start this  
24 second clip over. I think we were going to 14:05.

25 (Whereupon, a video recording was played.)

1 BY MS. MATZ:

2 Q Okay. If you can pause this. So is what you're talking  
3 about here that you believe that these comments confirmed that  
4 my client knew Starmarie Jones?

5 A Yes. This was an actual dancer that Cardi gave me to  
6 research and get her side of the story from, and her name is  
7 Ash Cash Legit. This is actual -- a thread that was taken out  
8 of my comments section under the actual post.

9 Q Okay. But what you're saying you understood was that the  
10 two of them, meaning Cardi and Starmarie, knew one another  
11 because they worked together; correct?

12 A Yes, ma'am.

13 Q Okay. And is this one of the people earlier when we  
14 talked about your testimony, where you said you talked to some  
15 of her prior co-workers, but they didn't confirm the herpes,  
16 the prostitution or the cocaine use?

17 A Yes, ma'am.

18 Q You recall that?

19 A Yes, ma'am.

20 Q So this is part of what you were referring to when you  
21 said you went out and talked to some people, and then you  
22 continued to post about the interview; correct?

23 A Yes, ma'am.

24 MS. MATZ: Okay. All right. If we can please go to  
25 39:11.

1 (Whereupon, a video recording was played.)

2 BY MS. MATZ:

3 Q All right. If we can pause here. All right. And so here  
4 again you're talking about a cease and desist letter that you  
5 received; is that correct?

6 A Yes, ma'am.

7 Q Okay. And that's the one you received from Cardi's  
8 attorney?

9 A At the time I didn't believe that it came from an actual  
10 attorney because it wasn't signed.

11 Q Okay. But you understand now that it did; correct?

12 A I believe so. I mean, you're a different attorney so from  
13 the one that sent the first one, and it wasn't notarized.

14 Q Do you know if all the -- have your attorneys ever sent a  
15 cease and desist letter on your behalf?

16 A Yes, ma'am.

17 Q Did they notarize it typically?

18 A They sign it.

19 Q They sign it but not notarize it?

20 A Yes. They sign every cease and desist.

21 Q So you don't think the cease and desist letters have to be  
22 notarized?

23 A Well, that cease and desist didn't actually have my  
24 correct name on it, and it wasn't signed. So I didn't take it  
25 as a serious cease and desist that came from an attorney. So

1 I thought it was something that was just drafted from anybody  
2 that was sent to me just to stop with the story.

3 THE COURT: So the question was, you don't think  
4 cease and desists have to be notarized. What's your answer?

5 THE WITNESS: No, they don't have to be notarized,  
6 just signed. I got that -- I mixed that up. I apologize.

7 MS. MATZ: Okay. If we can cue up the Cardi 006, and  
8 I'm going to find the number right now.

9 THE COURT: What's the number?

10 MS. MATZ: I'm sorry, your Honor. Give me one  
11 second. It's Plaintiff's 524. And, your Honor, this  
12 document -- this video has been -- this recording has been  
13 stipulated by Request for Admission No. 6.

14 THE COURT: You're tendering 524?

15 MS. MATZ: Yes.

16 THE COURT: Any objection?

17 MR. SABBAK: No objection.

18 THE COURT: 524 is admitted without objection.

19 (Whereupon, Plaintiff's Exhibit 524 was marked for  
20 purposes of identification and admitted into evidence.)

21 MS. MATZ: And I'd like to just read one stipulated  
22 fact into the record, and that is, on April 25th of 2019  
23 defendants published a recording of a phone call Kebe had with  
24 Lovely TI, and that was defined as the Lovely TI Recorded  
25 Call.

1 All right, if you could start playing this for a  
2 moment.

3 (Whereupon, an audio recording was played.)

4 BY MS. MATZ:

5 Q If we can just pause. Just so we can identify for the  
6 members of the jury and members of the courtroom whose voice  
7 is whose, in this recording that you just heard you said, hey,  
8 you got a second; right?

9 A Uh-huh.

10 Q And the more we'll say softer voice on the other end of  
11 the line that picked up and said hello, that's Lovely TI;  
12 correct?

13 A Yes, ma'am.

14 Q Okay. Thank you. And is this recording the recording of  
15 the call that you testified about earlier that you had with  
16 her on a weekend after you recorded the interview with  
17 Starmarie Jones but before you published it?

18 A No. This is not that call.

19 Q This is not that call?

20 A No, ma'am.

21 Q There's a different call?

22 A Yes. There was a different call, but I didn't record that  
23 call. I recorded this one after the initial interview was  
24 published, when she decided to break ties with me and side  
25 with Cardi because Cardi had reached out to her. She was a



1 little star struck.

2 MS. MATZ: Okay. Why don't we start playing it at --  
3 oh, I'm sorry. Is this not up on the Court's screen?

4 THE COURT: It's up on my screen. I'm seeing a  
5 photograph so I guess --

6 MS. MATZ: They can see it?

7 COURTROOM DEPUTY: They can see it. I just emailed  
8 about why these went off.

9 MS. MATZ: No, that's fine as long as everybody  
10 else's is working. Okay. If you can start playing at  
11 around 4:20 please.

12 (Whereupon, an audio recording was played.)

13 BY MS. MATZ:

14 Q Let's pause for a moment. So in this call you're saying  
15 that the call you had with Lovely TI when she originally told  
16 you that she had some information to debunk Starmarie's video,  
17 that's not the call that we're listening to now, but that is  
18 the call you're discussing with her; correct?

19 A Yes. Yes, ma'am.

20 Q Okay. All right. And the call you're discussing is the  
21 one that you had prior to the publication of the actual  
22 interview?

23 A In that particular part. But that's a two-hour phone call  
24 right there.

25 Q Okay. All right. Let's go to 10:17. Actually, let me

1 ask you a question before this starts playing. At this point  
2 is it -- is what's going on on this call that the two of you  
3 are -- you're saying you disagree with her about what was said  
4 on the other call?

5 A No, ma'am.

6 Q Okay.

7 A That's not what's in that call. You can play the entire  
8 call and hear exactly what I said, but we were arguing about a  
9 multitude of things. But, no, that's not the gist of it. The  
10 gist of it was the harassing and bullying that went down of  
11 Starmarie Jones. That's what we were referencing.

12 Q But one of the things you were talking about in that call  
13 just there is that she at least said, Tasha, I never told you  
14 to publish anything --

15 A Can you play that part, please, and play the full context  
16 so I'll know what I'm referencing because I don't want to  
17 speak without knowing.

18 MS. MATZ: Sure. You want to start at 4:20 again.

19 (Whereupon, an audio recording was played.)

20 BY MS. MATZ:

21 Q Okay. So the fake new -- you're saying everybody is  
22 saying I'm putting out fake news; correct?

23 A Yes, ma'am.

24 Q And that's referencing the Starmarie interview; correct?

25 A Yes, ma'am.

1 Q Okay. And you were just saying but I got the story from  
2 you; correct?

3 A Yes, ma'am.

4 Q And you're saying I got the story from you, Lovelyti?

5 A Yes, ma'am.

6 MS. MATZ: Okay. Keep going.

7 (Whereupon, an audio recording was played.)

8 BY MS. MATZ:

9 Q All right. So in there what you're saying to her is  
10 that -- you're saying that Lovely TI had information from  
11 Cardi's team before she dropped the video, and you're saying  
12 you didn't give that to me; correct?

13 A Yes, ma'am.

14 Q And are you referencing -- earlier when you testified  
15 about your conversation where she said she had information  
16 debunking it, you said you didn't know exactly what it was.  
17 Is that what you're referencing in this conversation?

18 A Can you repeat the call. I got distracted with the -- not  
19 the call, the question, please. Sorry.

20 Q Sure. When you -- in this conversation when you're  
21 talking to her about you said -- I'm sorry. Could we just  
22 play the clip back again.

23 (Whereupon, an audio recording was played.)

24 BY MS. MATZ:

25 Q All right. Let's pause. So what I was asking is, when

1 you're talking to her about the information that you're saying  
2 she had from Cardi, that she let you drop it anyway, you're  
3 saying that's the information she had when the two of you  
4 originally had that call where she told you she had some  
5 information debunking Starmarie's interview; correct?

6 A I do not understand your question. I'm sorry. It was  
7 really long.

8 MS. MATZ: Can you read back?

9 (Whereupon, the record was read.)

10 THE WITNESS: Can you rephrase the question?

11 BY MS. MATZ:

12 Q I want to understand the information you're talking about  
13 with her. You said you had information from Cardi's team that  
14 you didn't share with me before I dropped it; right?

15 A Yes, ma'am.

16 Q And I want to understand. The information that you are  
17 referencing, is it true that that information is the  
18 information that you said she had debunking the video before  
19 you posted it?

20 A Well, I didn't really know she was going to debunk the  
21 video. That's not what we talked about. She said she wanted  
22 to know when we had our original phone call after I  
23 interviewed Starmarie Jones about the allegations she made on  
24 a previous video, she wanted to make sure that I felt that she  
25 was truthful because she had received some things from Cardi's

1 team and the internet that said otherwise.

2 And so that was the end. That is all we talked  
3 about. We didn't talk about what she had. I didn't know what  
4 she had until her video went out because we worked together.  
5 It was like Fox News against CNN. So I'm on this side; she's  
6 on that side.

7 Q But you knew she had it. She told you -- you just  
8 testified earlier that she had -- she told you she had  
9 information debunking it --

10 A But I didn't know to what extent.

11 Q Okay. You didn't know to what extent. Did you ask her  
12 for it?

13 A No, because we don't do that as bloggers.

14 Q Okay. Thank you. Move to strike. Nonresponsive, your  
15 Honor.

16 THE COURT: Objection is overruled. The answer will  
17 remain.

18 MS. MATZ: All right. If we can go to 10:17.

19 (Whereupon, an audio recording was played.)

20 BY MS. MATZ:

21 Q All right. If we can pause for a minute. Okay. So in  
22 this video -- excuse me. In this recording we just heard you  
23 admit that you believe that Star has a mental illness; is that  
24 correct?

25 A Yes, ma'am.

1 Q Okay. And do you recall you also just said here's my  
2 thing, all these strippers are lying?

3 A Yes, ma'am, including Cardi B.

4 Q So I was going to say in your deposition testimony you  
5 recall giving testimony that when you said all these strippers  
6 are lying, you were referring to Cardi B and the co-workers of  
7 hers that you spoke to and Starmarie Jones; correct?

8 A Yes, ma'am.

9 Q So you thought all of them were lying?

10 A Yeah. They told some lies and some truths, yes, ma'am.

11 MS. MATZ: Okay. All right. If you could go to  
12 16:04.

13 (Whereupon, an audio recording was played.)

14 BY MS. MATZ:

15 Q All right. If we can pause just there. So you understood  
16 at the time that, at least in your mind, you thought both  
17 Starmarie Jones and Cardi were lying; correct?

18 A Can I provide context, please?

19 THE COURT: You've got to answer the question before  
20 you --

21 THE WITNESS: Okay. So yes and --

22 MS. MATZ: Thank you.

23 THE COURT: You can explain your answer.

24 THE WITNESS: Oh, I can explain my answer? Okay.

25 Starmarie had told another blogger that I offered her

1 a radio, I guess, deal at the station that I had contracted to  
2 record the interview. And so when I was referring to  
3 Starmarie lying, I was talking about that because that's the  
4 information me and Lovelyti were referencing in this call that  
5 you didn't play. And so when it came to Cardi B, Cardi B  
6 denounced on social media that she did not know Starmarie and  
7 then later made a video and said she did. So this recording  
8 here, this two-hour call, was a come to Jesus meeting on  
9 everything that we had received from social media, all the  
10 strippers, Cardi B, Starmarie, and all the other bloggers that  
11 were in play because it was a firestorm of media once the  
12 interview came out.

13 BY MS. MATZ:

14 Q And do you recall giving testimony -- this video was  
15 released in April of 2020. Do you recall giving testimony  
16 that you think you recorded it approximately six months before  
17 that?

18 A Around that time, yes, ma'am.

19 Q Okay. So that would have been October of 2019?

20 A I can't say, and I think I told in the testimony I  
21 couldn't remember to be exact -- I mean in the deposition.

22 Q I'm sorry. I actually misstated that. The stipulated  
23 fact was that on April 25th you published the recorded call.  
24 And so you think that this was recorded approximately six  
25 months before that, so that would be October of 2018?

1 A I was just throwing numbers out there to you because you  
2 wanted an exact date, and I couldn't give it to you. So,  
3 yeah, it was an old call.

4 Q Okay. So when you told me that it was approximately six  
5 months, you were just throwing numbers out there?

6 A I told you that because you kept asking me the same  
7 question over and over in the deposition, so I just threw a  
8 number out there to get you to move on because you were  
9 frustrated that I couldn't remember.

10 Q Okay. So when you were frustrated in your deposition, you  
11 just said things, you weren't sure that they were true?

12 A No. That's not what I said. I just said six months per  
13 se. I didn't give an exact statement. We can read the  
14 statement. Can we refer to it?

15 Q We'll get there.

16 THE COURT: What does six months per se mean to you?

17 THE WITNESS: Just, you know, it was recorded months  
18 back. So she wanted an exact date, and I couldn't give one.  
19 And it was -- I believe this was on the first day of my  
20 deposition where I had never been through a deposition, so I  
21 was nervous. And her questions were very combative towards  
22 me, so I was really frustrated in the deposition. And I admit  
23 that. So when she was trying to get an exact date, I couldn't  
24 give her one, so I got frustrated and I said six months or  
25 something like that. So it wasn't definite, and I made that



1 clear.

2 BY MS. MATZ:

3 Q I did just ask you if it was approximately six months, but  
4 we'll move on. All right. So you just said that what you  
5 were referring to when you were talking about Starmarie Jones  
6 lying, was that at this point Starmarie Jones was actually  
7 lying about something that you had said to her; right?

8 A She took it out of context for the conversation happened.  
9 But from her perspective she explained it wrong.

10 Q But you just said that when you were on that video talking  
11 about lying, that that's what you were talking about.

12 A Yes, ma'am.

13 Q That she said that you had offered her a job and that  
14 that's not what you said, and when you called that lying, that  
15 that's what you were talking about; correct?

16 A Yes, ma'am, in reference to that call, yes, ma'am.

17 Q Okay. So you at least at this point in time knew that  
18 Starmarie was potentially lying about your interactions with  
19 her?

20 A About that particular statement she made but not about  
21 other things that she said.

22 Q And you also testified earlier that when you were  
23 referencing all the strippers and you thought all of them were  
24 lying, that that also included Cardi, Ash Cash Legit, and the  
25 other people you talked to and Starmarie Jones; correct?

1 A It was a multitude of strippers. I believe it was like  
2 four that I spoke to, including her make-up artist. So  
3 everyone told lies and truth, so I can't give you a definite  
4 answer on that because some things they did lie about and some  
5 things they did tell the truth on. But we're talking about  
6 about six people in range that I had conversations with to  
7 corroborate Starmarie's story at Cardi B's request.

8 Q So right. But my point is that you at least thought that  
9 all of them were lying about something; correct?

10 A About something, yes, ma'am.

11 Q Okay. Do you recall also giving testimony that you said  
12 in this phone call -- you said in this phone call that you had  
13 said as far as the herpes and shit, I don't know?

14 A Yes, ma'am.

15 Q Okay. And when you said as far as the herpes shit, I  
16 don't know, you were saying on this call that you didn't have  
17 any personal knowledge of whether or not my client has herpes  
18 or not; correct?

19 A Not to -- I didn't have any paperwork, no, ma'am.

20 Q Well, that's not how you answered the question at your  
21 deposition, is it?

22 A Can I look at the deposition, please?

23 Q Sure. Let's look at November 30th.

24 A Okay. November 30th. Okay.

25 Q Okay. Starting at line 11, the question was, and when you

1 said, as far as --

2 A I'm sorry, Sarah. What page?

3 Q Oh, I'm sorry. 44.

4 A Okay.

5 Q The question was, and when you said, as far as the herpes  
6 and shit -- and I said, I apologize for cursing, I'm just  
7 repeating the words. You said, I understand. I said, not  
8 trying to be rude. When you said as far as the herpes and  
9 shit, I don't know, were you saying that you did not have  
10 personal knowledge of whether or not my client has herpes or  
11 not? And you said, yes, I was.

12 Did you give that testimony?

13 A You said it was Monday November 30th? Because I'm on page  
14 44, and I don't see -- all I see is about emails and stuff  
15 that was searched.

16 Q I'm sorry. Page 45. I apologize.

17 A Okay.

18 Q Starting at line 11.

19 A So what line again? I'm sorry.

20 Q 11.

21 A Okay. And when you said, as far as the herpes and shit --  
22 I'm sorry for cursing, I'm just repeating the words --

23 I don't know what context. Am I allowed to read the  
24 context, so I'll know how I answered that because that is --  
25 that's your question; correct?

1 Q Yeah. And then the next question and answer where you  
2 ended with, yes, I was.

3 A I answered that question I understand because I was  
4 referencing our entire conversation --

5 Q If you could please look -- if you could please read the  
6 lines in order and let me know if you gave that deposition  
7 testimony.

8 A Okay. So from 11 to what number am I supposed to read?

9 Q 20.

10 A Okay. And when you said, as far as herpes and shit -- and  
11 I apologize for cursing, I'm just repeating words. I  
12 answered, I understand. You said, not trying to be rude.  
13 When you said, as far as herpes and shit, I don't know, were  
14 you saying that you did not have personal knowledge of whether  
15 or not my client has herpes or not? And I answered, yes, I  
16 was.

17 Q Okay. So you did give that testimony; correct?

18 A Yes, ma'am.

19 Q Okay. Thank you. Okay. And in a clip we listened to a  
20 couple of minutes ago you talked about saying Cardi has an  
21 entire team to protect her, if people defame her or anything,  
22 that's Cardi's job? Do you remember hearing that?

23 A Yes, ma'am. I said that.

24 Q Okay. And do you recall giving testimony in this case  
25 that you think it's okay for you to put out information about

1 my client that's false?

2 A I don't -- I don't understand the context and when I said  
3 that. Can we refer to it, please?

4 Q Sure.

5 A Okay.

6 Q Going to go to the 11-19 transcript.

7 A You said November 19th?

8 Q Uh-huh.

9 A Okay. What page?

10 Q 266.

11 A 366?

12 Q 266.

13 A Okay. And what line?

14 Q Okay. Starting at line 15 the question was, do you think  
15 it's okay for you to put information out there about my client  
16 that is false? Answer, if it's an opinion piece, yes.

17 A Yes.

18 Q An opinion -- and when you use the word "opinion piece,"  
19 you mean things that you're saying that other people have  
20 alleged? Answer, correct. Okay. And so it's okay for you to  
21 put out stories on your platform that you know are false that  
22 defame my client, as long as someone else is the one that gave  
23 you the information? Answer, if I feel that a story is  
24 entertaining and what the public wants, I will put the story  
25 out in the manner in which I want to put it out, so it's my

1 platform, yes.

2 Did you give that testimony?

3 A Yes, ma'am.

4 MS. MATZ: Okay. If we could go to 24, approximately  
5 24 minutes and 59 seconds, please.

6 (Whereupon, an audio recording was played.)

7 BY MS. MATZ:

8 Q Can we pause for a minute. When you just said she was  
9 definitely manipulating that damn interview, you were talking  
10 about Starmarie Jones; correct?

11 A I don't know in which context you were in, but yes. I  
12 assume so, yes.

13 MS. MATZ: Okay. Go ahead.

14 (Whereupon, an audio recording was played.)

15 MS. MATZ: I'm sorry. Can you start it over. That  
16 way you can hear the whole clip in context since I asked you a  
17 question in the middle.

18 (Whereupon, an audio recording was played.)

19 BY MS. MATZ:

20 Q All right. Let's pause there. Okay. Even though you  
21 said in this video that I didn't know you had receipts  
22 debunking it, as you admitted earlier, you did know that at  
23 least Lovely TI had told you she had information debunking it,  
24 even if she didn't know what it was; correct?

25 A Yes, ma'am.

1 Q Okay. And then we just heard you say I didn't care  
2 because here's the thing, it's up to the fans, it's up to the  
3 viewers to make their own decisions?

4 A Yes, ma'am.

5 Q Okay. And so when you put out content that other people  
6 provide to you, you think that people should just decide what  
7 they believe themselves; correct?

8 A It depends on what context I've put out, information piece  
9 is on. So every story is different, so I can't say yes or no  
10 to that question because every single story is different.

11 Q Well, let's talk about --

12 A But I was talking about this particular story and based on  
13 what we had at the time. But the story evolved as the months  
14 went.

15 Q Okay. And when you say it evolved, you mean you got more  
16 information and more letters and things like that?

17 A No. I'm talking about as far as, you know, we're getting  
18 the story, Starmarie alleges the information about your  
19 client, and then I do the interview. Lovelyti receives  
20 information that she got from fans later I found out wasn't  
21 from Cardi with photoshopped receipts. And then I later found  
22 out by word of your -- by your client uploading a video that  
23 she did, in fact, know Starmarie. So she said she didn't know  
24 her and then later came back and said she did know her.

25 So it evolved. It was a series of videos that came

1 out that added different context -- I'm sorry. I should  
2 address -- that added different context to the initial story  
3 in which Starmarie told when she uploaded her first live  
4 alleging her relationship with Cardi B.

5 Q Okay. But part of what you're talking about here also is  
6 your interview; correct?

7 A Part of it, yes, ma'am.

8 Q Yeah. And when you're talking -- so you just said  
9 something interesting. You said that it came out that Cardi B  
10 did know Starmarie; correct?

11 A Yes, ma'am.

12 Q When you were deposed, you told me that prior to doing  
13 what you do now, one of the places you worked was Seasons 52;  
14 is that right?

15 A Yes, ma'am.

16 Q And that's a restaurant; correct?

17 A Yes, ma'am.

18 Q Okay. And I presume you had co-workers at this  
19 restaurant; yes?

20 A Yes, ma'am.

21 Q Okay. And you knew some of them; correct?

22 A Yes, ma'am.

23 Q Okay. Did all of the co-workers you worked with have  
24 intimate details of your personal life, intimate details of  
25 your sex life and things like that? Is that something you



1 shared with your co-workers?

2 A Some of them, yes. I've always been very open about  
3 myself.

4 Q Okay. Is that something that you think everyone shares  
5 with their co-workers?

6 A I can't speak for everyone else. I'm only speaking for  
7 myself.

8 Q Okay. But your testimony is that because -- you believed  
9 Starmarie because at some point you found out that my client  
10 had actually worked with her and knew her; is that right?

11 A Yes, ma'am.

12 Q Okay. All right. Let's go to 27:36.

13 (Whereupon, an audio recording was played.)

14 BY MS. MATZ:

15 Q All right. Let's pause there for a second. Okay. So we  
16 just heard you say Cardi can handle getting dragged. Did you  
17 hear that?

18 A Yes, ma'am.

19 Q Okay. And dragged is a slang term for speaking negatively  
20 about someone or --

21 A Criticized. That's the lingo for criticized.

22 Q All right. And you're saying Cardi can handle getting  
23 criticized because she has the resources, she can get therapy,  
24 medication, she can hire lawyers, do anything; correct?

25 A Yes. She's in the limelight. She's an entertainer, so

1 entertainers typically get criticized. And they know the  
2 business that they're coming into just as public figures do.

3 Q But in your deposition you went further than that; right?  
4 You said that you think it's okay for people to defame my  
5 client and that it's her job to get people to take that stuff  
6 down. Do you recall giving that testimony?

7 A Can I see that, where I said that so I can know what  
8 context in which I said it?

9 Q Do you recall giving the testimony, Ms. Kebe?

10 A I don't recall. May I review it, please?

11 Q Okay. If we can look at 263.

12 A Which one? November 30th or --

13 Q November 19th.

14 A -- 19th? November 30th or 19th?

15 Q November 19th.

16 A Okay. And what page?

17 Q 263.

18 A And what number?

19 Q I'm going to start at line 25. Question -- I'll wait for  
20 you to get there.

21 A You said line --

22 Q 25. Question was, okay, is it your belief that it is okay  
23 for people to defame my client and it's her job to get people  
24 to take that stuff down? Answer, yes.

25 Is that your testimony that you gave in this

1 deposition in this lawsuit under oath? Yes or no, please.

2 A You said 262, November 19th?

3 Q No. I said 263 beginning -- I'm sorry. No, I said 263  
4 beginning at line 25.

5 A 263, line 25.

6 Q And going to 264, line 5. And I'd just like an answer to  
7 the question of whether or not you gave that testimony.

8 A Okay. Is it your belief -- okay for people to defame my  
9 client, that's her job to get people to take it down? Yes.

10 MS. MATZ: Great. Okay. If we can take -- go to  
11 41:58.

12 (Whereupon, an audio recording was played.)

13 BY MS. MATZ:

14 Q All right. Let's pause. So in this clip that we just  
15 listened to, when you're talking about the person who we --  
16 and we knew as two educated black women this woman has a  
17 mental illness, you heard that?

18 A Yes, ma'am. That was my opinion. I didn't have any facts  
19 on that, but that was my opinion.

20 Q Right. You believed that even if you knew or you believed  
21 that she had a mental illness, that you felt it was, quote,  
22 fucked up for you to exploit her; is that right?

23 A Yes. I later found out after the interview.

24 Q Well, in this call you just said even if we knew; correct?

25 A Yeah. But I was speaking hypothetically.

1 Q Okay. So even though earlier in the call you already  
2 admitted that you believed she had a mental illness, now  
3 you're saying you're talking hypothetically?

4 A When I say I believed, I didn't say I know. I said I  
5 believed. That's my opinion.

6 Q And I'm asking you what your belief was.

7 A That she had a mental illness after -- your Honor? This  
8 will open the door if I go into context, and I don't want to  
9 do that because I heard your ruling earlier but --

10 THE COURT: So the question was did you believe that.  
11 It wasn't why did you believe that. It was did you believe  
12 that.

13 THE WITNESS: Yes, sir. Yes, your Honor. Yes,  
14 ma'am.

15 MS. MATZ: Okay. Let's go to 1:46:40.

16 (Whereupon, an audio recording was played.)

17 BY MS. MATZ:

18 Q All right. Let's pause there. All right. So one of the  
19 things we just heard in this video is you acknowledging that  
20 you again did think that Starmarie was lying about some of the  
21 things she said in the video; correct?

22 A Yeah. I mean, the video was 45 minutes long. I mean, it  
23 was -- yeah.

24 Q And have you ever issued a retraction or a statement  
25 taking down the portions that you think she's lying about?

1 A Well, I was talking --

2 Q Yes or no, please.

3 A -- in reference to her telling --

4 MS. MATZ: Your Honor?

5 THE WITNESS: -- her viewers.

6 MS. MATZ: I asked a very simple question.

7 THE WITNESS: Not for that, no, ma'am, because this  
8 is a different context.

9 THE COURT: So I think she answered it now. Do you  
10 want me to intercede now that you've gotten the answer?

11 MS. MATZ: No. I'm fine with the answer.

12 Okay. Your Honor, I'm probably going to move on to  
13 another line of questioning. I know it's 4:55, and I don't  
14 know what time you're planning on ending today.

15 THE COURT: So if you're going to change subtopics,  
16 then we'll adjourn for the night. Ladies and gentlemen, so  
17 we'll adjourn for this evening.

18 I want to talk just a little bit -- I guess I want to  
19 preach a little bit about, similar to my discussions with you  
20 yesterday, about not talking about the case. The temptation  
21 is probably even a litter greater today for, at the very  
22 least, for people that you will see this evening to ask you  
23 what you heard. Yesterday you just knew who the people were  
24 and what the general allegations were, but today you know more  
25 about it than you did yesterday. And I think it will be

1 natural for others to want to request of you to give them sort  
2 of a run down of what you heard.

3 That won't be appropriate, and, you know, I won't  
4 make this speech every day, but this will be the last time  
5 that -- it will be something new, and the something new is now  
6 had testimony. I trust that you all will adhere to your oath  
7 which requires that you obey the Court's instructions  
8 according to the law, that you won't talk about the case.

9 I hope you have a good evening. I'm going to ask if  
10 you will return tomorrow at 9:30, and we'll see you then.  
11 Leave your notes in the jury deliberation room, please.

12 COURTROOM SECURITY OFFICER: All rise.

13 THE COURT: And thank you for letting us know that  
14 the monitors weren't on. I trust you'll always tell me.  
15 Okay. All right. Thank you, sir.

16 (Whereupon, the jurors exited the courtroom.)

17 THE COURT: All right. Ma'am, you can step down if  
18 you would. Not sit down. You can go on back.

19 THE WITNESS: No, I'm putting on my shoes.

20 THE COURT: Oh, I'm sorry. I thought you were just  
21 getting comfortable. Why don't you keep your mask with you  
22 and then tomorrow morning just put it back on once you come  
23 up. You don't have to take it home, but you --

24 THE WITNESS: I'll bring another one because this one  
25 is kind of uncomfortable at the top.

1 THE COURT: You have a shield at home?

2 THE WITNESS: Yeah, it's an eyeglass shield. I can't  
3 wear it. I'll just wear --

4 THE COURT: An eyeglass shield --

5 THE WITNESS: I can't put my --

6 THE COURT: An eyeglass shield, does it cover your  
7 face?

8 THE WITNESS: It does, but I can't put the eyeglasses  
9 over these eyeglasses. Because she's going to be asking me to  
10 read exhibits, so I just need my glasses.

11 THE COURT: Okay. I'm sorry.

12 THE WITNESS: That's okay.

13 THE COURT: All right. I do want to talk just a  
14 minute about what will happen when the plaintiff has finished  
15 with its questioning. Georgia has a procedural rule in the  
16 state of Georgia that says that a party can call their  
17 opposing party for cross-examination, and there is no  
18 intervening questioning by defense counsel. I really haven't  
19 had this come up in federal court. It's like I've probably  
20 tried 15 cases in the last three years.

21 Trying to look ahead to what the defendant's  
22 intention will be as to your client once the plaintiff is  
23 finished. I really can't get a firm answer on that looking at  
24 federal rules. To me it's an open question. I haven't done  
25 any case law search, but we've looked at the rules today. I

1 suppose a lot of it is discretionary, so here's what I've  
2 settled on absent being pointed to some law otherwise, is that  
3 I'm going to allow the defendant to cross-examine -- not to  
4 cross-examine, to examine their client after the plaintiff is  
5 finished with her as to the matters brought up during the  
6 cross-examination by the plaintiff.

7 I will also allow you to go into other matters then  
8 if you wish, but if you go into other matters, then it's going  
9 to be subject to then further cross-examination before you're  
10 done. And I'm not going to give you a chance to then recall  
11 her later. So you have to make an election. Do you want to  
12 just cross her on the things she's testified to or do you want  
13 to get her whole testimony out?

14 I have discretion under the rule to allow that to  
15 happen if you look under -- what's the rule number again?  
16 Rule 11? 611. Rule 611 because I can make decisions that are  
17 designed to streamline and make efficient presentation, but  
18 I'm not going to let you have two bites at the apple. I'm not  
19 going to let you go beyond the initial cross by the plaintiff  
20 and then call her again to do the same thing into other  
21 avenues, so you'll just have to make your decision at that  
22 time.

23 MS. IZMAYLOVA: Your Honor, we plan on  
24 rehabilitating -- directing her on only the matters that the  
25 plaintiff has crossed her on, and then we will recall her in



1 our case in chief.

2 THE COURT: And when you recall her in your case in  
3 chief, the items that you've questioned her about likewise in  
4 the plaintiff's case I'm not going to let you go over them  
5 again. It's going to be a one-time discussion, and that's it.  
6 Okay? Understand?

7 MS. IZMAYLOVA: Yes, your Honor.

8 THE COURT: All right. Yes, ma'am.

9 MS. MATZ: The only thing I was going to ask is if  
10 your Honor could just make a clear instruction for everyone  
11 about no discussing testimony while we're off for the  
12 evenings --

13 THE COURT: Sure. Well --

14 MS. MATZ: -- since the testimony is ongoing, and the  
15 witness is still under oath.

16 THE COURT: Yes. If we're not talking -- I'm not  
17 going to prevent counsel from talking to their clients. I'm  
18 not going to do that.

19 MS. MATZ: That's not what I meant. I meant  
20 discussing matters that were examined because there was an  
21 issue in the deposition. That's the only reason I'm raising  
22 it.

23 THE COURT: Matters that are --

24 MS. MATZ: I'm talking about the ongoing testimony,  
25 not trial strategy in general.

1           THE COURT: It's really kind of hard to police it. I  
2 mean, I can't prevent counsel and plaintiff from talking. If  
3 we're talking about a third party witness, I can certainly say  
4 that there's no need to have ongoing counseling of a third  
5 party witness, but when we're talking about a client, there's  
6 a need for legal strategizing. And so if I said, well, you  
7 can talk legal strategy but you can't talk about your  
8 testimony, I'm just not sure how that -- how I police that.

9           And if you think that they have talked about it, then  
10 what do I do about that? Because if they don't admit that  
11 they have, then I'm left in a quandary. I mean, I don't  
12 exactly know how -- I don't know how to deal with what you're  
13 talking about. I mean, I understand your point, but that's  
14 part of when you call a witness later in a day who's a party,  
15 then that's, I guess, a risk that's there, that you might not  
16 finish before you're done. And so they would then have some  
17 chance just like at a break to talk with them.

18           MS. MATZ: No, I hear you. Like I said, there was an  
19 issue at the deposition and it wasn't -- it was agreed, that  
20 part of what happened. It was stated on the record. I just  
21 didn't want to have that happen here. And usually -- I  
22 apologize, your Honor. Usually in New York in federal court  
23 that is an instruction that's given to witnesses.

24           THE COURT: Don't talk to their --

25           MS. MATZ: No. It's just that they can't discuss the

1 ongoing -- the testimony that was given in any attempts to  
2 change the answers or anything like that.

3 THE COURT: Well, we will note -- I mean, if she  
4 comes back in the morning and she says I need to clarify, then  
5 we're going to -- she's going to be impeaching herself, kind  
6 of a self-impeachment; right? All of a sudden I've got to  
7 talk about stuff, change my story that I gave you yesterday.  
8 So what can you believe or what can you not believe. Just  
9 like when you testify at a deposition to something and you  
10 come into court and you start changing your testimony, you  
11 self-impeach yourself.

12 I don't think it's particularly helpful, Ms. Kebe, to  
13 deny things that you know are on record, and then you give the  
14 plaintiff's attorney an opportunity to just simply read off  
15 what you said previously. It makes it sound like you're  
16 either not being honest or that you're just difficult to deal  
17 with or both, particularly when your persona in your videos is  
18 totally different than your persona in court. I mean, that  
19 may apply not just to you. It could apply to the plaintiff  
20 too, but it is what it is.

21 And so I don't know exactly how I can -- what I can  
22 say to the defendant that I ever could enforce, you know. And  
23 that's my point, because they do have a right to talk about  
24 their case, unlike a third party witness where they don't have  
25 that right nor that need. So I guess I'll put it this way: I

1 will leave it up to the attorneys to comply with the  
2 Professional Code of Georgia. Okay.

3 MS. IZMAYLOVA: Your Honor?

4 THE COURT: Nothing beyond that.

5 MS. IZMAYLOVA: I just need to clarify -- I wanted to  
6 ask for clarification about previously, about what we talked  
7 about with us directing our client during --

8 THE COURT: Okay.

9 MS. IZMAYLOVA: So because right now like little  
10 bits, pieces of stuff is being played. So if we, like, if we  
11 have her on the questioning, would we then be prevented from  
12 playing the full version of that, you know, of the video or  
13 the call or whatever on -- in our case in chief?

14 THE COURT: I can't tell you because I don't know  
15 what we're talking about, but what I'm not going to let you do  
16 is ask the same questions about the same subject matter twice.

17 MS. IZMAYLOVA: When you say subject matter, do you  
18 mean like the Lovelyti call or just like the specific question  
19 that we --

20 THE COURT: That's a good example. I'm not going to  
21 let you go into the Lovelyti call that we've just been talking  
22 about now and then go into it later too. You get one chance.

23 MS. IZMAYLOVA: Okay. So then in that event can we  
24 tell you tomorrow morning what we plan on doing as far as --  
25 because that changes our answer, I think. It might change our

1 answer.

2 THE COURT: I'm not going to preapprove anything,  
3 just tell you that I'm only going to let you do it once.

4 MS. IZMAYLOVA: Okay.

5 THE COURT: If it were me, unless I felt like it was  
6 critical to get it out now, I probably would wait and cross  
7 my -- I would probably wait and ask questions to my client  
8 when I had complete control so I would not risk broaching into  
9 a subject matter and then having the judge say later, well,  
10 you already had a chance to question about that, you don't get  
11 two chances.

12 MS. IZMAYLOVA: Yes, sir.

13 THE COURT: That's what I would do because this is  
14 not a criminal case where there will be a directed verdict  
15 considered, you know. I mean, I guess there could be a  
16 directed verdict, but it's unlikely. I mean, normally when I  
17 think of a criminal case, defendant stands up once the  
18 government -- and says they haven't proved their case, they  
19 can't carry their burden, and so we want judgment as a matter  
20 of law.

21 So in a civil case, particularly this case where  
22 there's clearly issues that are going to have to be decided by  
23 the jury, I would not expect a directed verdict to be granted,  
24 certainly not on the defamation claims. Arguably on the  
25 intentional infliction claims, I guess, but not likely to be

1 granted because of it wouldn't as a matter of procedure, it  
2 wouldn't make sense for me to take that issue away from the  
3 jury even if I agreed with the defendants to the extent that  
4 the argument was that it was not sufficient under Georgia law  
5 to be outrageous enough. Because if I'm wrong about that,  
6 I've got to retry the case, and it just makes sense to let the  
7 jury go ahead and decide it. And then I can do with it what I  
8 want to as a matter of law and have that verdict there in case  
9 the appellate courts disagreed with me.

10 But I'm not telling you not to cross your client. I  
11 think it's fair that if you decide you want to, that you can.  
12 I'm even giving you the right to go beyond the scope of  
13 direct. But so two things. I'm just summarizing. If you  
14 only talk about things that have been brought up during the  
15 cross-examination that the plaintiff makes of her now, you  
16 certainly can go into new things later. But I'm not letting  
17 you go into the things you've already had a chance to go into  
18 and did touch on.

19 MS. IZMAYLOVA: Understood.

20 THE COURT: And number two is if you go beyond the  
21 scope of the cross-examination in the plaintiff's case, then  
22 I'm not letting you call your client again except possibly for  
23 rebuttal purposes if something new were to come up during the  
24 course of the plaintiff's case that she would have to rebut  
25 just that.

1 MS. IZMAYLOVA: Understood, your Honor.

2 THE COURT: So I think it's cleaner if you wait until  
3 your case to go personally, but I'll leave it up to you. In  
4 absence of a concrete rule in federal procedure, I'm trying to  
5 be fair about it to both sides.

6 MS. IZMAYLOVA: Thank you, your Honor.

7 THE COURT: Ms. Matz, you pronounced your name a  
8 little differently a while ago. Have I been pronouncing your  
9 name wrong all along? I've been saying Matz. And it's -- how  
10 do you say it?

11 MS. MATZ: I said it Matz.

12 THE COURT: I'm sorry. I didn't intend to --

13 MS. MATZ: It's okay. I honestly -- and I don't mean  
14 to -- I assumed it was your accent.

15 THE COURT: Well, no, it's not. It's really my  
16 brain, unfortunately.

17 So anything else you need to talk about tonight?

18 MS. MATZ: No. If I could just confer with my  
19 counsel?

20 MS. IZMAYLOVA: Nothing from us, your Honor.

21 MS. MATZ: All right. Thank you very much, your  
22 Honor.

23 THE COURT: All right. I should be here at 9:00 in  
24 the morning. If y'all have any issues, alert Ms. Lee of it.  
25 Otherwise, you know, we'll start at 9:30. Okay.

1 MS. IZMAYLOVA: Thank you.

2 THE COURT: Thank you.

3 COURTROOM SECURITY OFFICER: All rise. Court stands  
4 in recess.

5 (Whereupon, the proceedings were adjourned at 5:10  
6 p.m.)

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## REPORTERS CERTIFICATE

I, Wynette C. Blathers, Official Court Reporter for the United States District Court for the Northern District of Georgia, with offices at Atlanta, do hereby certify:

That I reported on the Stenograph machine the proceedings held in open court on January 11, 2022, in the matter of BELCALIS MARLENIS ALMÁNZAR v. LATASHA TRANSRINA KEBE and KEBE STUDIOS LLC, Case No. 1:19-CV-01301-WMR; that said proceedings in connection with the hearing were reduced to typewritten form by me; and that the foregoing transcript (Volume II of X, Pages 1 through 168) is a true and accurate record of the proceedings.

This the 27th day of February, 2022.

/s/ Wynette C. Blathers, RMR, CRR  
Official Court Reporter